

AMENDED IN SENATE AUGUST 5, 1998

AMENDED IN SENATE JULY 6, 1998

AMENDED IN SENATE JUNE 18, 1998

AMENDED IN ASSEMBLY APRIL 2, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2011

Introduced by Assembly Member Hertzberg

February 18, 1998

An act to amend Sections 12001, 12026.2, ~~12039~~, 12070, 12072, 12077, and ~~12094~~ 12078 of, and to add Sections 11108.3, 11108.7, and 11108.9 to, the Penal Code, relating to firearms, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2011, as amended, Hertzberg. Firearms: punishment.

(1) Existing law prohibits a person from carrying concealed within any vehicle which is under his or her control or direction any pistol, revolver, or other firearm capable of being concealed upon the person. Existing law also prohibits a person from carrying a loaded firearm on his or her person or in a vehicle while in any public place or on any public street. These offenses are generally punishable as misdemeanors, but under specified circumstances they are punishable as felonies.

This bill also would make the former provision inapplicable to the transportation of a firearm by a person for the purpose

of having the Department of Justice assign a distinguishing number or mark of identification to that firearm.

(2) Under existing law, the delivery of an unloaded pistol, revolver, or other firearm capable of being concealed upon the person that is a curio or relic, as defined, by a person licensed as a collector under federal law with a state certificate of eligibility issued to a dealer is exempt from the prohibition against the sale, lease, or transfer of firearms without a license.

This bill would revise this exemption to make it applicable to an unloaded firearm that is a curio or relic, as defined. This bill would also exempt transactions involving a firearm that is a curio or relic from the requirement of being completed through a licensed dealer or law enforcement agency, where neither party to the transaction holds a dealer's license. The bill would make conforming changes.

(3) Under existing law, any person who knowingly buys, receives, disposes of, sells, offers for sale, or has in his or her possession any pistol, revolver, or other firearm which has had the name of the maker, model, or the manufacturer's number or other mark of identification, including any distinguishing number or mark assigned by the Department of Justice, changed, altered, removed, or obliterated is guilty of a misdemeanor.

This bill would make it a misdemeanor for any person to sell or otherwise transfer his or her ownership in a concealable firearm unless the firearm bears either the name of the manufacturer, the manufacturer's make or model, and a manufacturer's serial number, or the identification number or mark assigned to the firearm by the Department of Justice. The bill also would make a conforming change.

By creating a new crime, the bill would impose a state-mandated local program.

(4) Existing law requires firearm dealers to enter specified information concerning firearm transfers into either a register of sales or record of electronic or telephonic transfer.

This bill would require this information to include, with respect to concealable firearms, any identification number or mark assigned to the firearm and, with respect to other than concealable firearms, the curio and relic waiting period



exemption, as specified. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

(5) Existing law makes it a misdemeanor for any person with knowledge of any change, alteration, or obliteration to buy, receive, dispose of, sell, or possess any pistol, revolver, or other firearm with changed, altered, or obliterated identification marks.

This bill would require local law enforcement agencies to develop a Serial Number Restoration Plan, as specified *and would make a specified appropriation for this purpose*, under the supervision of the Department of Justice. The bill would require the department to submit a report on these plans, and on the effectiveness of firearms interdiction generally, to the Legislature *by January 1, 2001*. ~~The bill would make an unspecified appropriation for this purpose.~~

(6) Existing law requires local law enforcement officials to submit descriptions of serialized property, including firearms, that have been reported stolen, lost, found, recovered, or observed, into a Department of Justice automated property system, as specified.

This bill would provide that whenever local law enforcement recovers a firearm ~~suspected or known to have been used in connection with or to be related to, the commission of a crime~~ *that is illegally possessed, has been used in a crime, or is suspected of having been used in a crime*, it shall report the firearm to the Department of Justice, in a manner determined by the Attorney General in consultation with the Bureau of Alcohol, Tobacco, and Firearms, all available information necessary to identify and trace the history of that firearm. This bill would also require the department to *implement, by January 1, 2001, an electronic system to receive and* forward information submitted under these provisions to the Bureau of Alcohol, Tobacco, and Firearms, and ~~would establish specified standards for~~ *authorize* the Attorney General to ~~follow~~ *issue regulations and to contract with independent agencies* in implementing these provisions.

(7) This bill would take effect as an urgency measure, and become operative on November 30, 1998.

(8) *This bill would incorporate additional changes in Sections 12070, 12072, and 12078 of the Penal Code proposed by SB 63, to be operative if SB 63 and this bill are both enacted and become effective on or before January 1, 1999, and this bill is enacted last.*

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11108.3 is added to the Penal
2 Code, to read:

3 11108.3. (a) In addition to the requirements of
4 Section 11108 that apply to a local law enforcement
5 agency's duty to report to the Department of Justice the
6 recovery of a firearm, whenever a police or sheriff's
7 ~~department recovers a firearm that it suspects or knows~~
8 ~~has been used in connection with, or is related to, the~~
9 ~~commission of a crime, it shall report to the department~~
10 *department recovers a firearm that is illegally possessed,*
11 *has been used in a crime, or is suspected of having been*
12 *used in a crime, it shall report to the department in a*
13 manner determined by the Attorney General in
14 consultation with the Bureau of Alcohol, Tobacco, and
15 Firearms all available information necessary to identify
16 and trace the history of that firearm.

17 (b) When the department receives information from
18 a local law enforcement agency pursuant to subdivision
19 (a), it shall promptly forward this information
20 ~~electronically~~ to the National Tracing Center of the
21 federal Bureau of Alcohol, Tobacco, and Firearms to the
22 ~~extent practicable, provided the bureau has a system~~
23 ~~available to forward information electronically.~~

24 ~~(c)~~

1 *extent practicable.*

2 (c) *The Department of Justice shall implement an*
3 *electronic system by January 1, 2001, to receive*
4 *comprehensive tracing information from each local law*
5 *enforcement agency, and to forward this information to*
6 *the National Tracing Center.*

7 (d) In implementing this section, the Attorney
8 General shall ensure to the maximum extent practical
9 that both of the following apply:

10 (1) The information he or she provides to the federal
11 Bureau of Alcohol, Tobacco, and Firearms enables that
12 agency to trace the ownership of the firearm described in
13 subdivision (a).

14 (2) Local law enforcement agencies can report all
15 relevant information without being unduly burdened by
16 this reporting function.

17 ~~(d)~~

18 (e) Information collected pursuant to this section shall
19 be maintained by the department for a period of not less
20 than 10 years, and shall be available, under guidelines set
21 forth by the Attorney General, for academic and policy
22 research purposes.

23 ~~(e)~~

24 (f) The Attorney General shall have the authority to
25 issue regulations to further the purposes of this section.

26 SEC. 2. Section 11108.7 is added to the Penal Code, to
27 read:

28 11108.7. On January 1, 2001, the Department of
29 Justice shall submit to the Legislature a report assessing
30 the effectiveness of current arrangements for ensuring
31 that recovered firearms are traced by the National
32 Tracing Center of the Bureau of Alcohol, Tobacco, and
33 Firearms, and evaluating the *number of firearms*
34 *submitted by each local law enforcement agency and the*
35 *effectiveness of tracing at interdicting illegal gun*
36 *trafficking. The report shall also assess the effectiveness*
37 *and the likelihood of success of each Serial Number*
38 *Restoration Plan described in Section 11108.9. The*
39 *Attorney General shall contract with an independent*
40 *agency to conduct the report.*

1 SEC. 3. Section 11108.9 is added to the Penal Code, to
2 read:

3 11108.9. Each local law enforcement agency shall
4 develop, in conjunction with and subject to the approval
5 of the Department of Justice, a succinct Serial Number
6 Restoration Plan setting forth the goals for reduction in
7 the number of recovered firearms that cannot be traced
8 due to obliterated serial numbers, and the methods that
9 the local agency will follow in order to achieve these
10 goals, including, but not limited to, establishing local
11 programs for restoring serial numbers and accessing
12 resources of the Department of Justice or the Bureau of
13 Alcohol, Tobacco, and Firearms for restoring serial
14 numbers. These plans shall be submitted to the
15 Department of Justice by January 1, 2000.

16 SEC. 4. Section 12001 of the Penal Code is amended
17 to read:

18 12001. (a) As used in this title, the terms “pistol,”
19 “revolver,” and “firearm capable of being concealed
20 upon the person” shall apply to and include any device
21 designed to be used as a weapon, from which is expelled
22 a projectile by the force of any explosion, or other form
23 of combustion, and which has a barrel less than 16 inches
24 in length. These terms also include any device which has
25 a barrel 16 inches or more in length which is designed to
26 be interchanged with a barrel less than 16 inches in
27 length.

28 (b) As used in this title, “firearm” means any device,
29 designed to be used as a weapon, from which is expelled
30 through a barrel a projectile by the force of any explosion
31 or other form of combustion.

32 (c) As used in Sections 12021, 12021.1, 12070, 12071,
33 12072, 12073, 12078, and 12101 of this code, and Sections
34 8100, 8101, and 8103 of the Welfare and Institutions Code,
35 the term “firearm” includes the frame or receiver of the
36 weapon.

37 (d) For the purposes of Sections 12025 and 12031, the
38 term “firearm” also shall include any rocket, rocket
39 propelled projectile launcher, or similar device
40 containing any explosive or incendiary material whether

1 or not the device is designed for emergency or distress
2 signaling purposes.

3 (e) For purposes of Sections 12070, 12071, and
4 paragraph (7) of subdivision (a), and subdivisions (b),
5 (c), (d), and (f) of Section 12072, the term “firearm” does
6 not include an unloaded firearm which is defined as an
7 “antique firearm” in Section 921(a)(16) of Title 18 of the
8 United States Code.

9 (f) Nothing shall prevent a device defined as a
10 “pistol,” “revolver,” or “firearm capable of being
11 concealed upon the person” from also being found to be
12 a short-barreled shotgun or a short-barreled rifle, as
13 defined in Section 12020.

14 (g) For purposes of Sections 12551 and 12552, the term
15 “BB device” means any instrument which expels a
16 metallic projectile, such as a BB or a pellet, through the
17 force of air pressure, CO₂ pressure, or spring action, or
18 any spot marker gun.

19 (h) As used in this title, “wholesaler” means any
20 person who is licensed as a dealer pursuant to Chapter 44
21 (commencing with Section 921) of Title 18 of the United
22 States Code and the regulations issued pursuant thereto
23 who sells, transfers, or assigns firearms, or parts of
24 firearms, to persons who are licensed as manufacturers,
25 importers, or gunsmiths pursuant to Chapter 44
26 (commencing with Section 921) of Title 18 of the United
27 States Code, or persons licensed pursuant to Section
28 12071, and includes persons who receive finished parts of
29 firearms and assemble them into completed or partially
30 completed firearms in furtherance of that purpose.

31 “Wholesaler” shall not include a manufacturer,
32 importer, or gunsmith who is licensed to engage in those
33 activities pursuant to Chapter 44 (commencing with
34 Section 921) of Title 18 of the United States Code or a
35 person licensed pursuant to Section 12071 and the
36 regulations issued pursuant thereto. A wholesaler also
37 does not include those persons dealing exclusively in
38 grips, stocks, and other parts of firearms that are not
39 frames or receivers thereof.

(i) As used in Section 12071, 12072, or 12084, “application to purchase” means any of the following:

(1) The initial completion of the register by the purchaser, transferee, or person being loaned the firearm as required by subdivision (b) of Section 12076.

(2) The initial completion of the LEFT by the purchaser, transferee, or person being loaned the firearm as required by subdivision (d) of Section 12084.

(3) The initial completion and transmission to the department of the record of electronic or telephonic transfer by the dealer on the purchaser, transferee, or person being loaned the firearm as required by subdivision (c) of Section 12076.

(j) For purposes of Section 12023, a firearm shall be deemed to be “loaded” whenever both the firearm and the unexpended ammunition capable of being discharged from the firearm are in the immediate possession of the same person.

(k) For purposes of Sections 12021, 12021.1, 12025, 12070, 12072, 12073, 12078, and 12101 of this code, and Sections 8100, 8101, and 8103 of the Welfare and Institutions Code, notwithstanding the fact that the term “any firearm” may be used in those sections, each firearm or the frame or receiver of the same shall constitute a distinct and separate offense under those sections.

(l) For purposes of Section 12020, a violation of that section as to each firearm, weapon, or device enumerated therein shall constitute a distinct and separate offense.

(m) Each application that requires any firearms eligibility determination involving the issuance of any license, permit, or certificate pursuant to this title shall include two copies of the applicant’s fingerprints on forms prescribed by the Department of Justice. One copy of the fingerprints may be submitted to the United States Federal Bureau of Investigation.

(n) As used in this chapter, a “personal handgun importer” means an individual who meets all of the following criteria:

(1) He or she is not a person licensed pursuant to Section 12071.

1 (2) He or she is not a licensed manufacturer of
2 firearms pursuant to Chapter 44 (commencing with
3 Section 921) of Title 18 of the United States Code.

4 (3) He or she is not a licensed importer of firearms
5 pursuant to Chapter 44 (commencing with Section 921)
6 of Title 18 of the United States Code and the regulations
7 issued pursuant thereto.

8 (4) He or she is the owner of a pistol, revolver, or other
9 firearm capable of being concealed upon the person.

10 (5) He or she acquired that pistol, revolver, or other
11 firearm capable of being concealed upon the person
12 outside of California.

13 (6) He or she moves into this state on or after January
14 1, 1998, as a resident of this state.

15 (7) He or she intends to possess that pistol, revolver, or
16 other firearm capable of being concealed upon the
17 person within this state on or after January 1, 1998.

18 (8) The pistol, revolver, or other firearm capable of
19 being concealed upon the person was not delivered to
20 him or her by a person licensed pursuant to Section 12071
21 who delivered that firearm following the procedures set
22 forth in Section 12071 and subdivision (c) of Section
23 12072.

24 (9) He or she, while a resident of this state, had not
25 previously reported his or her ownership of that pistol,
26 revolver, or other firearm capable of being concealed
27 upon the person to the Department of Justice in a manner
28 prescribed by the department that included information
29 concerning him or her and a description of the firearm.

30 (10) The pistol, revolver, or other firearm capable of
31 being concealed upon the person is not a firearm that is
32 prohibited by subdivision (a) of Section 12020.

33 (11) The pistol, revolver, or other firearm capable of
34 being concealed upon the person is not an assault
35 weapon, as defined in Section 12276.

36 (12) The pistol, revolver, or other firearm capable of
37 being concealed upon the person is not a machinegun, as
38 defined in Section 12200.

39 (13) The person is 18 years of age or older.

40 (o) For purposes of paragraph (6) of subdivision (n):

(1) Except as provided in paragraph (2), residency shall be determined in the same manner as is the case for establishing residency pursuant to Section 12505 of the Vehicle Code.

(2) In the case of members of the armed forces of the United States, residency shall be deemed to be established when he or she was discharged from active service in this state.

SEC. 5. Section 12026.2 of the Penal Code is amended to read:

12026.2. (a) Section 12025 does not apply to, or affect, any of the following:

(1) The possession of a firearm by an authorized participant in a motion picture, television, or video production or entertainment event when the participant lawfully uses the firearm as part of that production or event or while going directly to, or coming directly from, that production or event.

(2) The possession of a firearm in a locked container by a member of any club or organization, organized for the purpose of lawfully collecting and lawfully displaying pistols, revolvers, or other firearms, while the member is at meetings of the clubs or organizations or while going directly to, and coming directly from, those meetings.

(3) The transportation of a firearm by a participant when going directly to, or coming directly from, a recognized safety or hunter safety class, or a recognized sporting event involving that firearm.

(4) The transportation of a firearm by a person listed in Section 12026 directly between any of the places mentioned in Section 12026.

(5) The transportation of a firearm by a person when going directly to, or coming directly from, a fixed place of business or private residential property for the purpose of the lawful repair or the lawful transfer, sale, or loan of that firearm.

(6) The transportation of a firearm by a person listed in Section 12026 when going directly from the place where that person lawfully received that firearm to that person's place of residence or place of business or to

1 private property owned or lawfully possessed by that
2 person.

3 (7) The transportation of a firearm by a person when
4 going directly to, or coming directly from, a gun show,
5 swap meet, or similar event to which the public is invited,
6 for the purpose of displaying that firearm in a lawful
7 manner.

8 (8) The transportation of a firearm by an authorized
9 employee or agent of a supplier of firearms when going
10 directly to, or coming directly from, a motion picture,
11 television, or video production or entertainment event
12 for the purpose of providing that firearm to an authorized
13 participant to lawfully use as a part of that production or
14 event.

15 (9) The transportation of a firearm by a person when
16 going directly to, or coming directly from, a target range,
17 which holds a regulatory or business license, for the
18 purposes of practicing shooting at targets with that
19 firearm at that target range.

20 (10) The transportation of a firearm by a person when
21 going directly to, or coming directly from, a place
22 designated by a person authorized to issue licenses
23 pursuant to Section 12050 when done at the request of the
24 issuing agency so that the issuing agency can determine
25 whether or not a license should be issued to that person
26 to carry that firearm.

27 (11) The transportation of a firearm by a person when
28 going directly to, or coming directly from, a law
29 enforcement agency for the purpose of a lawful transfer,
30 sale, or loan of that firearm pursuant to Section 12084.

31 (12) The transportation of a firearm by a person when
32 going directly to, or coming directly from, a lawful
33 camping activity for the purpose of having that firearm
34 available for lawful personal protection while at the
35 lawful campsite. This paragraph shall not be construed to
36 override the statutory authority granted to the
37 Department of Parks and Recreation or any other state
38 or local governmental agencies to promulgate rules and
39 regulations governing the administration of parks and
40 campgrounds.

1 (13) The transportation of a firearm by a person in
2 order to comply with subdivision (c) or (i) of Section
3 12078 as it pertains to that firearm.

4 (14) The transportation of a firearm by a person in
5 order to utilize subdivision (l) of Section 12078 as it
6 pertains to that firearm.

7 (15) The transportation of a firearm by a person when
8 going directly to, or coming directly from, a gun show or
9 event, as defined in Section 178.100 of Title 27 of the Code
10 of Federal Regulations, for the purpose of lawfully
11 transferring, selling, or loaning that firearm in
12 accordance with subdivision (d) of Section 12072.

13 (16) The transportation of a firearm by a person in
14 order to utilize paragraph (3) of subdivision (a) of
15 Section 12078 as it pertains to that firearm.

16 (17) The transportation of a firearm by a person who
17 finds the firearm in order to comply with Article 1
18 (commencing with Section 2080) of Chapter 4 of Division
19 3 of the Civil Code as it pertains to that firearm and if that
20 firearm is being transported to a law enforcement
21 agency, the person gives prior notice to the law
22 enforcement agency that he or she is transporting the
23 firearm to the law enforcement agency.

24 (18) The transportation of a firearm by a person who
25 finds the firearm and is transporting it to a law
26 enforcement agency for disposition according to law, if he
27 or she gives prior notice to the law enforcement agency
28 that he or she is transporting the firearm to the law
29 enforcement agency for disposition according to law.

30 (19) The transportation of a firearm by a person in
31 order to comply with paragraph (2) of subdivision (f) of
32 Section 12072 as it pertains to that firearm.

33 (20) The transportation of a firearm by a person in
34 order to comply with paragraph (3) of subdivision (f) of
35 Section 12072 as it pertains to that firearm.

36 (21) The transportation of a firearm by a person for the
37 purpose of obtaining an identification number or mark
38 assigned for that firearm from the Department of Justice
39 pursuant to Section 12092.



(b) In order for a firearm to be exempted under subdivision (a), while being transported to or from a place, the firearm shall be unloaded, kept in a locked container, as defined in subdivision (d), and the course of travel shall include only those deviations between authorized locations as are reasonably necessary under the circumstances.

(c) This section does not prohibit or limit the otherwise lawful carrying or transportation of any pistol, revolver, or other firearm capable of being concealed upon the person in accordance with this chapter.

(d) As used in this section, "locked container" means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. The term "locked container" does not include the utility or glove compartment of a motor vehicle.

~~SEC. 6. Section 12039 of the Penal Code is amended to read:~~

~~12039. The Attorney General shall provide the Legislature on or before April 15 of each year, commencing in 1998, a written report on the specific types of firearms recovered and reported pursuant to Section 11108.3. The report shall include all of the following information regarding crimes in which firearms were used:~~

~~(a) A description of the relative occurrence of firearms most frequently used in the commission of violent crimes, distinguishing whether the firearms used were handguns, rifles, shotguns, assault weapons, or other related types of weapons.~~

~~(b) A description of specific types of firearms that are used in homicides or street gang and drug trafficking crimes.~~

~~(c) The frequency with which stolen firearms were used in the commission of the crimes.~~

~~(d) The frequency with which fully automatic firearms were used in the commission of the crimes.~~

~~(e) Any trends of importance such as those involving specialized ammunition or firearms modifications, such~~

1 ~~as conversion to a fully automatic weapon, removal of~~
2 ~~serial number, shortening of barrel, or use of a suppressor.~~

3 ~~(f) The number of firearms submitted by each local~~
4 ~~law enforcement agency.~~

5 ~~SEC. 7.~~

6 *SEC. 6.* Section 12070 of the Penal Code is amended
7 to read:

8 12070. (a) No person shall sell, lease, or transfer
9 firearms unless he or she has been issued a license
10 pursuant to Section 12071. Any person violating this
11 section is guilty of a misdemeanor.

12 (b) Subdivision (a) does not include any of the
13 following:

14 (1) The sale, lease, or transfer of any firearm by a
15 person acting pursuant to operation of law, a court order,
16 or pursuant to the Enforcement of Judgments Law (Title
17 9 (commencing with Section 680.010) of Part 2 of the
18 Code of Civil Procedure), or by a person who liquidates
19 a personal firearm collection to satisfy a court judgment.

20 (2) A person acting pursuant to subdivision (e) of
21 Section 186.22a or subdivision (c) of Section 12028.

22 (3) The sale, lease, or transfer of a firearm by a person
23 who obtains title to the firearm by intestate succession or
24 by bequest or as a surviving spouse pursuant to Chapter
25 1 (commencing with Section 13500) of Part 2 of Division
26 8 of the Probate Code, provided the person disposes of the
27 firearm within 60 days of receipt of the firearm.

28 (4) The infrequent sale, lease, or transfer of firearms.

29 (5) The sale, lease, or transfer of used firearms other
30 than pistols, revolvers, or other firearms capable of being
31 concealed upon the person, at gun shows or events, as
32 specified in subparagraph (B) of paragraph (1) of
33 subdivision (b) of Section 12071, by a person other than
34 a licensee or dealer, provided the person has a valid
35 federal firearms license and a current certificate of
36 eligibility issued by the Department of Justice, as
37 specified in Section 12071, and provided all the sales,
38 leases, or transfers fully comply with subdivision (d) of
39 Section 12072. However, the person shall not engage in
40 the sale, lease, or transfer of used firearms other than

1 pistols, revolvers, or other firearms capable of being
2 concealed upon the person at more than 12 gun shows or
3 events in any calendar year and shall not sell, lease, or
4 transfer more than 15 used firearms other than pistols,
5 revolvers, or other firearms capable of being concealed
6 upon the person at any single gun show or event. In no
7 event shall the person sell more than 75 used firearms
8 other than pistols, revolvers, or other firearms capable of
9 being concealed upon the person in any calendar year.

10 A person described in this paragraph shall be known as
11 a “Gun Show Trader.”

12 The Department of Justice shall adopt regulations to
13 administer this program and shall recover the full costs of
14 administration from fees assessed applicants.

15 As used in this paragraph, the term “used firearm”
16 means a firearm that has been sold previously at retail and
17 is more than three years old.

18 (6) The activities of a law enforcement agency
19 pursuant to Section 12084.

20 (7) Deliveries, sales, or transfers of firearms between
21 or to importers and manufacturers of firearms licensed to
22 engage in business pursuant to Chapter 44 (commencing
23 with Section 921) of Title 18 of the United States Code and
24 the regulations issued pursuant thereto.

25 (8) The sale, delivery, or transfer of firearms by
26 manufacturers or importers licensed pursuant to Chapter
27 44 (commencing with Section 921) of Title 18 of the
28 United States Code and the regulations issued pursuant
29 thereto to dealers or wholesalers.

30 (9) Deliveries and transfers of firearms made pursuant
31 to Section 12028, 12028.5, or 12030.

32 (10) The loan of a firearm for the purposes of shooting
33 at targets, if the loan occurs on the premises of a target
34 facility which holds a business or regulatory license or on
35 the premises of any club or organization organized for the
36 purposes of practicing shooting at targets upon
37 established ranges, whether public or private, if the
38 firearm is at all times kept within the premises of the
39 target range or on the premises of the club or
40 organization.

1 (11) Sales, deliveries, or transfers of firearms by
2 manufacturers, importers, or wholesalers licensed
3 pursuant to Chapter 44 (commencing with Section 921)
4 of Title 18 of the United States Code and the regulations
5 issued pursuant thereto to persons who reside outside this
6 state who are licensed pursuant to Chapter 44
7 (commencing with Section 921) of Title 18 of the United
8 States Code and the regulations issued pursuant thereto,
9 if the sale, delivery, or transfer is in accordance with
10 Chapter 44 (commencing with Section 921) of Title 18 of
11 the United States Code and the regulations issued
12 pursuant thereto.

13 (12) Sales, deliveries, or transfers of firearms by
14 persons who reside outside this state and are licensed
15 outside this state pursuant to Chapter 44 (commencing
16 with Section 921) of Title 18 of the United States Code and
17 the regulations issued pursuant thereto to wholesalers,
18 manufacturers, or importers, if the sale, delivery, or
19 transfer is in accordance with Chapter 44 (commencing
20 with Section 921) of Title 18 of the United States Code and
21 the regulations issued pursuant thereto.

22 (13) Sales, deliveries, or transfers of firearms by
23 wholesalers to dealers.

24 (14) Sales, deliveries, or transfers of firearms by
25 persons who reside outside this state to persons licensed
26 pursuant to Section 12071, if the sale, delivery, or transfer
27 is in accordance with Chapter 44 (commencing with
28 Section 921) of Title 18 of the United States Code, and the
29 regulations issued pursuant thereto.

30 (15) Sales, deliveries, or transfers of firearms by
31 persons who reside outside this state and are licensed
32 pursuant to Chapter 44 (commencing with Section 921)
33 of Title 18 of the United States Code and the regulations
34 issued pursuant thereto to dealers, if the sale, delivery, or
35 transfer is in accordance with Chapter 44 (commencing
36 with Section 921) of Title 18 of the United States Code and
37 the regulations issued pursuant thereto.

38 (16) The delivery, sale, or transfer of an unloaded
39 firearm by one wholesaler to another wholesaler if that



1 firearm is intended as merchandise in the receiving
2 wholesaler's business.

3 (17) The loan of an unloaded firearm or the loan of a
4 firearm loaded with blank cartridges for use solely as a
5 prop for a motion picture, television, or video production
6 or entertainment or theatrical event.

7 (18) The delivery of an unloaded firearm that is a curio
8 or relic, as defined in Section 178.11 of Title 27 of the Code
9 of Federal Regulations, by a person licensed as a collector
10 pursuant to Chapter 44 (commencing with Section 921)
11 of Title 18 of the United States Code and the regulations
12 issued pursuant thereto with a current certificate of
13 eligibility issued pursuant to Section 12071 to a dealer.

14 (c) (1) As used in this section, "infrequent" means:

15 (A) For pistols, revolvers, and other firearms capable
16 of being concealed upon the person, less than six
17 transactions per calendar year. For this purpose,
18 "transaction" means a single sale, lease, or transfer of any
19 number of pistols, revolvers, or other firearms capable of
20 being concealed upon the person.

21 (B) For firearms other than pistols, revolvers, or other
22 firearms capable of being concealed upon the person,
23 occasional and without regularity.

24 (2) As used in this section, "operation of law" includes,
25 but is not limited to, any of the following:

26 (A) The executor or administrator of an estate, if the
27 estate includes firearms.

28 (B) A secured creditor or an agent or employee
29 thereof when the firearms are possessed as collateral for,
30 or as a result of, a default under a security agreement
31 under the Commercial Code.

32 (C) A levying officer, as defined in Section 481.140,
33 511.060, or 680.260 of the Code of Civil Procedure.

34 (D) A receiver performing his or her functions as a
35 receiver, if the receivership estate includes firearms.

36 (E) A trustee in bankruptcy performing his or her
37 duties, if the bankruptcy estate includes firearms.

38 (F) An assignee for the benefit of creditors performing
39 his or her functions as an assignee, if the assignment
40 includes firearms.

1 (G) A transmutation of property between spouses
2 pursuant to Section 850 of the Family Code.

3 (H) Firearms received by the family of a police officer
4 or deputy sheriff from a local agency pursuant to Section
5 50081 of the Government Code.

6 ~~SEC. 8.—~~

7 *SEC. 6.5. Section 12070 of the Penal Code is amended*
8 *to read:*

9 12070. (a) No person shall sell, lease, or transfer
10 firearms unless he or she has been issued a license
11 pursuant to Section 12071. Any person violating this
12 section is guilty of a misdemeanor.

13 (b) Subdivision (a) does not include any of the
14 following:

15 (1) The sale, lease, or transfer of any firearm by a
16 person acting pursuant to operation of law, a court order,
17 or pursuant to the Enforcement of Judgments Law (Title
18 9 (commencing with Section 680.010) of Part 2 of the
19 Code of Civil Procedure), or by a person who liquidates
20 a personal firearm collection to satisfy a court judgment.

21 (2) A person acting pursuant to subdivision (e) of
22 Section 186.22a or subdivision (c) of Section 12028.

23 (3) The sale, lease, or transfer of a firearm by a person
24 who obtains title to the firearm by intestate succession or
25 by bequest or as a surviving spouse pursuant to Chapter
26 1 (commencing with Section 13500) of Part 2 of Division
27 8 of the Probate Code, provided the person disposes of the
28 firearm within 60 days of receipt of the firearm.

29 (4) The infrequent sale, lease, or transfer of firearms.

30 (5) The sale, lease, or transfer of used firearms other
31 than pistols, revolvers, or other firearms capable of being
32 concealed upon the person, at gun shows or events, as
33 specified in subparagraph (B) of paragraph (1) of
34 subdivision (b) of Section 12071, by a person other than
35 a licensee or dealer, provided the person has a valid
36 federal firearms license and a current certificate of
37 eligibility issued by the Department of Justice, as
38 specified in Section 12071, and provided all the sales,
39 leases, or transfers fully comply with subdivision (d) of
40 Section 12072. However, the person shall not engage in

1 the sale, lease, or transfer of used firearms other than
2 pistols, revolvers, or other firearms capable of being
3 concealed upon the person at more than 12 gun shows or
4 events in any calendar year and shall not sell, lease, or
5 transfer more than 15 used firearms other than pistols,
6 revolvers, or other firearms capable of being concealed
7 upon the person at any single gun show or event. In no
8 event shall the person sell more than 75 used firearms
9 other than pistols, revolvers, or other firearms capable of
10 being concealed upon the person in any calendar year.

11 A person described in this paragraph shall be known as
12 a “Gun Show Trader.”

13 The Department of Justice shall adopt regulations to
14 administer this program and shall recover the full costs of
15 administration from fees assessed applicants.

16 As used in this paragraph, the term “used firearm”
17 means a firearm that has been sold previously at retail and
18 is more than three years old.

19 (6) The activities of a law enforcement agency
20 pursuant to Section 12084.

21 (7) Deliveries, sales, or transfers of firearms between
22 or to importers and manufacturers of firearms licensed to
23 engage in business pursuant to Chapter 44 (commencing
24 with Section 921) of Title 18 of the United States Code and
25 the regulations issued pursuant thereto.

26 (8) The sale, delivery, or transfer of firearms by
27 manufacturers or importers licensed pursuant to Chapter
28 44 (commencing with Section 921) of Title 18 of the
29 United States Code and the regulations issued pursuant
30 thereto to dealers or wholesalers.

31 (9) Deliveries and transfers of firearms made pursuant
32 to Section 12028, 12028.5, or 12030.

33 (10) The loan of a firearm for the purposes of shooting
34 at targets, if the loan occurs on the premises of a target
35 facility which holds a business or regulatory license or on
36 the premises of any club or organization organized for the
37 purposes of practicing shooting at targets upon
38 established ranges, whether public or private, if the
39 firearm is at all times kept within the premises of the

1 target range or on the premises of the club or
2 organization.

3 (11) Sales, deliveries, or transfers of firearms by
4 manufacturers, importers, or wholesalers licensed
5 pursuant to Chapter 44 (commencing with Section 921)
6 of Title 18 of the United States Code and the regulations
7 issued pursuant thereto to persons who reside outside this
8 state who are licensed pursuant to Chapter 44
9 (commencing with Section 921) of Title 18 of the United
10 States Code and the regulations issued pursuant thereto,
11 if the sale, delivery, or transfer is in accordance with
12 Chapter 44 (commencing with Section 921) of Title 18 of
13 the United States Code and the regulations issued
14 pursuant thereto.

15 (12) Sales, deliveries, or transfers of firearms by
16 persons who reside outside this state and are licensed
17 outside this state pursuant to Chapter 44 (commencing
18 with Section 921) of Title 18 of the United States Code and
19 the regulations issued pursuant thereto to wholesalers,
20 manufacturers, or importers, if the sale, delivery, or
21 transfer is in accordance with Chapter 44 (commencing
22 with Section 921) of Title 18 of the United States Code and
23 the regulations issued pursuant thereto.

24 (13) Sales, deliveries, or transfers of firearms by
25 wholesalers to dealers.

26 (14) Sales, deliveries, or transfers of firearms by
27 persons who reside outside this state to persons licensed
28 pursuant to Section 12071, if the sale, delivery, or transfer
29 is in accordance with Chapter 44 (commencing with
30 Section 921) of Title 18 of the United States Code, and the
31 regulations issued pursuant thereto.

32 (15) Sales, deliveries, or transfers of firearms by
33 persons who reside outside this state and are licensed
34 pursuant to Chapter 44 (commencing with Section 921)
35 of Title 18 of the United States Code and the regulations
36 issued pursuant thereto to dealers, if the sale, delivery, or
37 transfer is in accordance with Chapter 44 (commencing
38 with Section 921) of Title 18 of the United States Code and
39 the regulations issued pursuant thereto.



1 (16) The delivery, sale, or transfer of an unloaded
2 firearm by one wholesaler to another wholesaler if that
3 firearm is intended as merchandise in the receiving
4 wholesaler's business.

5 (17) The loan of an unloaded firearm or the loan of a
6 firearm loaded with blank cartridges for use solely as a
7 prop for a motion picture, television, or video production
8 or entertainment or theatrical event.

9 (18) The delivery of an unloaded ~~pistol, revolver, or~~
10 ~~other firearm capable of being concealed upon the~~
11 ~~person which~~ *firearm that* is a curio or relic, as defined in
12 Section 178.11 of Title 27 of the Code of Federal
13 Regulations, by a person licensed as a collector pursuant
14 to Chapter 44 (commencing with Section 921) of Title 18
15 of the United States Code and the regulations issued
16 pursuant thereto with a current certificate of eligibility
17 issued pursuant to Section 12071 to a dealer.

18 (c) (1) As used in this section, "infrequent" means:

19 (A) For pistols, revolvers, and other firearms capable
20 of being concealed upon the person, less than six
21 transactions per calendar year. For this purpose,
22 "transaction" means a single sale, lease, or transfer of any
23 number of pistols, revolvers, or other firearms capable of
24 being concealed upon the person.

25 (B) For firearms other than pistols, revolvers, or other
26 firearms capable of being concealed upon the person,
27 occasional and without regularity.

28 (2) As used in this section, "operation of law" includes,
29 but is not limited to, any of the following:

30 (A) The executor or administrator of an estate, if the
31 estate includes firearms.

32 (B) A secured creditor or an agent or employee
33 thereof when the firearms are possessed as collateral for,
34 or as a result of, a default under a security agreement
35 under the Commercial Code.

36 (C) A levying officer, as defined in Section 481.140,
37 511.060, or 680.260 of the Code of Civil Procedure.

38 (D) A receiver performing his or her functions as a
39 receiver, if the receivership estate includes firearms.

1 (E) A trustee in bankruptcy performing his or her
2 duties, if the bankruptcy estate includes firearms.

3 (F) An assignee for the benefit of creditors performing
4 his or her functions as an assignee, if the assignment
5 includes firearms.

6 (G) A transmutation of property between spouses
7 pursuant to Section 850 of the Family Code.

8 (H) Firearms received by the family of a police officer
9 or deputy sheriff from a local agency pursuant to Section
10 50081 of the Government Code.

11 *(I) The transfer of a firearm by a law enforcement*
12 *agency to the person who found the firearm where the*
13 *delivery is to the person as the finder of the firearm*
14 *pursuant to Article 1 (commencing with Section 2080) of*
15 *Chapter 4 of Division 3 of the Civil Code.*

16 SEC. 7. Section 12072 of the Penal Code is amended
17 to read:

18 12072. (a) (1) No person, corporation, or firm shall
19 knowingly supply, deliver, sell, or give possession or
20 control of a firearm to any person within any of the classes
21 prohibited by Section 12021 or 12021.1.

22 (2) No person, corporation, or dealer shall sell, supply,
23 deliver, or give possession or control of a firearm to any
24 person whom he or she has cause to believe to be within
25 any of the classes prohibited by Section 12021 or 12021.1
26 of this code or Section 8100 or 8103 of the Welfare and
27 Institutions Code.

28 (3) (A) No person, corporation, or firm shall sell, loan,
29 or transfer a firearm to a minor.

30 (B) Subparagraph (A) shall not apply to or affect those
31 circumstances set forth in subdivision (p) of Section
32 12078.

33 (4) No person, corporation, or dealer shall sell, loan, or
34 transfer a firearm to any person whom he or she knows
35 or has cause to believe is not the actual purchaser or
36 transferee of the firearm, or to any person who is not the
37 person actually being loaned the firearm, if the person,
38 corporation, or dealer has either of the following:

1 (A) Knowledge that the firearm is to be subsequently
2 loaned, sold, or transferred to avoid the provisions of
3 subdivision (c) or (d).

4 (B) Knowledge that the firearm is to be subsequently
5 loaned, sold, or transferred to avoid the requirements of
6 any exemption to the provisions of subdivision (c) or (d).

7 (5) No person, corporation, or dealer shall acquire a
8 firearm for the purpose of selling, transferring, or loaning
9 the firearm, if the person, corporation, or dealer has
10 either of the following:

11 (A) In the case of a dealer, intent to violate subdivision
12 (b) or (c).

13 (B) In any other case, intent to avoid either of the
14 following:

15 (i) The provisions of subdivision (d).

16 (ii) The requirements of any exemption to the
17 provisions of subdivision (d).

18 (6) The dealer shall comply with the provisions of
19 paragraph (18) of subdivision (b) of Section 12071.

20 (7) (A) No person shall sell or otherwise transfer his
21 or her ownership of a pistol, revolver, or other firearm
22 capable of being concealed upon the person unless the
23 firearm bears either:

24 (i) The name of the manufacturer, the manufacturer's
25 make or model, and a manufacturer's serial number
26 assigned to that firearm.

27 (ii) The identification number or mark assigned to the
28 firearm by the Department of Justice pursuant to Section
29 12092.

30 (b) No person licensed under Section 12071 shall
31 supply, sell, deliver, or give possession or control of a
32 pistol, revolver, or firearm capable of being concealed
33 upon the person to any person under the age of 21 years
34 or any other firearm to a person under the age of 18 years.

35 (c) No dealer, whether or not acting pursuant to
36 Section 12082, shall deliver a firearm to a person, as
37 follows:

38 (1) Prior to April 1, 1997, within 15 days of the
39 application to purchase a pistol, revolver, or other firearm
40 capable of being concealed upon the person, or, after

1 notice by the department pursuant to subdivision (d) of
2 Section 12076, within 15 days of the submission to the
3 department of any correction to the application, or within
4 15 days of the submission to the department of any fee
5 required pursuant to subdivision (e) of Section 12076,
6 whichever is later. Prior to April 1, 1997, within 10 days of
7 the application to purchase any firearm that is not a pistol,
8 revolver, or other firearm capable of being concealed
9 upon the person, or, after notice by the department
10 pursuant to subdivision (d) of Section 12076, within 10
11 days of the submission to the department of any
12 correction to the application, or within 10 days of the
13 submission to the department of any fee required
14 pursuant to subdivision (e) of Section 12076, whichever
15 is later. On or after April 1, 1997, within 10 days of the
16 application to purchase, or, after notice by the
17 department pursuant to subdivision (d) of Section 12076,
18 within 10 days of the submission to the department of any
19 correction to the application, or within 10 days of the
20 submission to the department of any fee required
21 pursuant to subdivision (e) of Section 12076, whichever
22 is later.

23 (2) Unless unloaded and securely wrapped or
24 unloaded and in a locked container.

25 (3) Unless the purchaser, transferee, or person being
26 loaned the firearm presents clear evidence of his or her
27 identity and age, as defined in Section 12071, to the
28 dealer.

29 (4) Whenever the dealer is notified by the
30 Department of Justice that the person is in a prohibited
31 class described in Section 12021 or 12021.1 of this code or
32 Section 8100 or 8103 of the Welfare and Institutions Code.

33 (5) Commencing April 1, 1994, no pistol, revolver, or
34 other firearm capable of being concealed upon the
35 person shall be delivered unless the purchaser,
36 transferee, or person being loaned the firearm presents
37 to the dealer a basic firearms safety certificate.

38 (d) Where neither party to the transaction holds a
39 dealer's license issued pursuant to Section 12071, the

1 parties to the transaction shall complete the sale, loan, or
2 transfer of that firearm through either of the following:

3 (1) A licensed dealer pursuant to Section 12082.

4 (2) A law enforcement agency pursuant to Section
5 12084.

6 (e) No person may commit an act of collusion relating
7 to Article 8 (commencing with Section 12800) of Chapter
8 6. For purposes of this section and Section 12071, collusion
9 may be proven by any one of the following factors:

10 (1) Answering a test applicant's questions during an
11 objective test relating to basic firearms safety.

12 (2) Knowingly grading the examination falsely.

13 (3) Providing an advance copy of the test to an
14 applicant.

15 (4) Taking or allowing another person to take the basic
16 firearms safety course for one who is the applicant for the
17 basic firearms safety certificate.

18 (5) Allowing another to take the objective test for the
19 applicant, purchaser, or transferee.

20 (6) Allowing others to give unauthorized assistance
21 during the examination.

22 (7) Reference to materials during the examination
23 and cheating by the applicant.

24 (8) Providing originals or photocopies of the objective
25 test, or any version thereof, to any person other than as
26 specified in subdivision (f) of Section 12805.

27 (f) (1) No person who is licensed pursuant to Chapter
28 44 (commencing with Section 921) of Title 18 of the
29 United States Code shall deliver, sell, or transfer a firearm
30 to a person who is licensed pursuant to Chapter 44
31 (commencing with Section 921) of Title 18 of the United
32 States Code and whose licensed premises are located in
33 this state unless one of the following conditions is met:

34 (A) The person presents proof of licensure pursuant to
35 Section 12071 to that person.

36 (B) The person presents proof that he or she is exempt
37 from licensure under Section 12071 to that person, in
38 which case the person also shall present proof that the
39 transaction is also exempt from the provisions of
40 subdivision (d).

1 (2) (A) On or after January 1, 1998, within 60 days of
2 bringing a pistol, revolver, or other firearm capable of
3 being concealed upon the person into this state, a
4 personal handgun importer shall do one of the following:

5 (i) Forward by prepaid mail or deliver in person to the
6 Department of Justice, a report prescribed by the
7 department including information concerning that
8 individual and a description of the firearm in question.

9 (ii) Sell or transfer the firearm in accordance with the
10 provisions of subdivision (d) or in accordance with the
11 provisions of an exemption from subdivision (d).

12 (iii) Sell or transfer the firearm to a dealer licensed
13 pursuant to Section 12071.

14 (iv) Sell or transfer the firearm to a sheriff or police
15 department.

16 (B) If the personal handgun importer sells or transfers
17 the pistol, revolver, or other firearm capable of being
18 concealed upon the person pursuant to subdivision (d) of
19 Section 12072 and the sale or transfer cannot be
20 completed by the dealer to the purchaser or transferee,
21 and the firearm can be returned to the personal handgun
22 importer, the personal handgun importer shall have
23 complied with the provisions of this paragraph.

24 (C) The provisions of this paragraph are cumulative
25 and shall not be construed as restricting the application
26 of any other law. However, an act or omission punishable
27 in different ways by this section and different provisions
28 of the Penal Code shall not be punished under more than
29 one provision.

30 (D) (i) On and after January 1, 1998, the department
31 shall conduct a public education and notification program
32 regarding this paragraph to ensure a high degree of
33 publicity of the provisions of this paragraph.

34 (ii) As part of the public education and notification
35 program described in this subparagraph, the department
36 shall do all of the following:

37 (I) Work in conjunction with the Department of
38 Motor Vehicles to ensure that any person who is subject
39 to this paragraph is advised of the provisions of this
40 paragraph, and provided with blank copies of the report

1 described in clause (i) of subparagraph (A) at the time
2 that person applies for a California driver's license or
3 registers his or her motor vehicle in accordance with the
4 Vehicle Code.

5 (II) Make the reports referred to in clause (i) of
6 subparagraph (A) available to dealers licensed pursuant
7 to Section 12071.

8 (III) Make the reports referred to in clause (i) of
9 subparagraph (A) available to law enforcement agencies.

10 (IV) Make persons subject to the provisions of this
11 paragraph aware of the fact that reports referred to in
12 clause (i) of subparagraph (A) may be completed at
13 either the licensed premises of dealers licensed pursuant
14 to Section 12071 or at law enforcement agencies, that it
15 is advisable to do so for the sake of accuracy and
16 completeness of the reports, that prior to transporting a
17 pistol, revolver, or other firearm capable of being
18 concealed upon the person to a law enforcement agency
19 in order to comply with subparagraph (A), the person
20 should give prior notice to the law enforcement agency
21 that he or she is doing so, and that in any event, the pistol,
22 revolver, or other firearm capable of being concealed
23 upon the person should be transported unloaded and in
24 a locked container.

25 (iii) Any costs incurred by the department to
26 implement this paragraph shall be absorbed by the
27 department within its existing budget and the fees in the
28 Dealers' Record of Sale Special Account allocated for
29 implementation of this subparagraph pursuant to Section
30 12076.

31 (3) Where a person who is licensed as a collector
32 pursuant to Chapter 44 (commencing with Section 921)
33 of Title 18 of the United States Code and the regulations
34 issued pursuant thereto, whose licensed premises are
35 within this state, acquires a pistol, revolver, or other
36 firearm capable of being concealed upon the person that
37 is a curio or relic, as defined in Section 178.11 of Title 27
38 of the Code of Federal Regulations, outside of this state,
39 takes actual possession of that firearm outside of this state
40 pursuant to the provisions of subsection (j) of Section 923



1 of Title 18 of the United States Code, as amended by
2 Public Law 104-208, and transports that firearm into this
3 state, within five days of that licensed collector
4 transporting that firearm into this state, he or she shall
5 report to the department in a format prescribed by the
6 department his or her acquisition of that firearm.

7 (4) (A) It is the intent of the Legislature that a
8 violation of paragraph (2) or (3) shall not constitute a
9 “continuing offense” and the statute of limitations for
10 commencing a prosecution for a violation of paragraph
11 (2) or (3) commences on the date that the applicable
12 grace period specified in paragraph (2) or (3) expires.

13 (B) Paragraphs (2) and (3) shall not apply to a person
14 who reports his or her ownership of a pistol, revolver, or
15 other firearm capable of being concealed upon the
16 person after the applicable grace period specified in
17 paragraph (2) or (3) expires if evidence of that violation
18 arises only as the result of the person submitting the
19 report described in paragraph (2) or (3).

20 (g) (1) Except as provided in paragraph (2) or (3), a
21 violation of this section is a misdemeanor.

22 (2) If any of the following circumstances apply, a
23 violation of this section is punishable by imprisonment in
24 the state prison for two, three, or four years.

25 (A) If the violation is of paragraph (1) of subdivision
26 (a).

27 (B) If the defendant has a prior conviction of violating
28 this section or former Section 12100 of this code or Section
29 8101 of the Welfare and Institutions Code.

30 (C) If the defendant has a prior conviction of violating
31 any offense specified in subdivision (b) of Section 12021.1
32 or of a violation of Section 12020, 12220, or 12520, or of
33 former Section 12560.

34 (D) If the defendant is in a prohibited class described
35 in Section 12021 or 12021.1 of this code or Section 8100 or
36 8103 of the Welfare and Institutions Code.

37 (E) A violation of this section by a person who actively
38 participates in a “criminal street gang” as defined in
39 Section 186.22.



(F) A violation of subdivision (b) involving the delivery of any firearm to a person who the dealer knows, or should know, is a minor.

(3) If any of the following circumstances apply, a violation of this section shall be punished by imprisonment in a county jail not exceeding one year or in the state prison, or by a fine not to exceed one thousand dollars (\$1,000), or by both the fine and imprisonment.

(A) A violation of paragraph (2), (4), or (5) of subdivision (a).

(B) A violation of paragraph (3) of subdivision (a) involving the sale, loan, or transfer of a pistol, revolver, or other firearm capable of being concealed upon the person to a minor.

(C) A violation of subdivision (b) involving the delivery of a pistol, revolver, or other firearm capable of being concealed upon the person.

(D) A violation of paragraph (1), (3), (4), or (5) of subdivision (c) involving a pistol, revolver, or other firearm capable of being concealed upon the person.

(E) A violation of subdivision (d) involving a pistol, revolver, or other firearm capable of being concealed upon the person.

(F) A violation of subdivision (e).

(4) If both of the following circumstances apply, an additional term of imprisonment in the state prison for one, two, or three years shall be imposed in addition and consecutive to the sentence prescribed.

(A) A violation of paragraph (2) of subdivision (a) or subdivision (b).

(B) The firearm transferred in violation of paragraph (2) of subdivision (a) or subdivision (b) is used in the subsequent commission of a felony for which a conviction is obtained and the prescribed sentence is imposed.

~~SEC. 9.~~

SEC. 7.5. Section 12072 of the Penal Code is amended to read:

12072. (a) (1) No person, corporation, or firm shall knowingly supply, deliver, sell, or give possession or

1 control of a firearm to any person within any of the classes
2 prohibited by Section 12021 or 12021.1.

3 (2) No person, corporation, or dealer shall sell, supply,
4 deliver, or give possession or control of a firearm to any
5 person whom he or she has cause to believe to be within
6 any of the classes prohibited by Section 12021 or 12021.1
7 of this code or Section 8100 or 8103 of the Welfare and
8 Institutions Code.

9 (3) (A) No person, corporation, or firm shall sell, loan,
10 or transfer a firearm to a minor.

11 (B) Subparagraph (A) shall not apply to or affect those
12 circumstances set forth in subdivision (p) of Section
13 12078.

14 (4) No person, corporation, or dealer shall sell, loan, or
15 transfer a firearm to any person whom he or she knows
16 or has cause to believe is not the actual purchaser or
17 transferee of the firearm, or to any person who is not the
18 person actually being loaned the firearm, if the person,
19 corporation, or dealer has either of the following:

20 (A) Knowledge that the firearm is to be subsequently
21 loaned, sold, or transferred to avoid the provisions of
22 subdivision (c) or (d).

23 (B) Knowledge that the firearm is to be subsequently
24 loaned, sold, or transferred to avoid the requirements of
25 any exemption to the provisions of subdivision (c) or (d).

26 (5) No person, corporation, or dealer shall acquire a
27 firearm for the purpose of selling, transferring, or loaning
28 the firearm, if the person, corporation, or dealer has
29 either of the following:

30 (A) In the case of a dealer, intent to violate subdivision
31 (b) or (c).

32 (B) In any other case, intent to avoid either of the
33 following:

34 (i) The provisions of subdivision (d).

35 (ii) The requirements of any exemption to the
36 provisions of subdivision (d).

37 (6) The dealer shall comply with the provisions of
38 paragraph (18) of subdivision (b) of Section 12071.

39 *(7) The dealer shall comply with the provisions of*
40 *paragraph (19) of subdivision (b) of Section 12071.*

1 (8) No person shall sell or otherwise transfer his or her
2 ownership in a pistol, revolver, or other firearm capable
3 of being concealed upon the person unless the firearm
4 bears either:

5 (A) The name of the manufacturer, the
6 manufacturer's make or model, and a manufacturer's
7 serial number assigned to that firearm.

8 (B) The identification number or mark assigned to the
9 firearm by the Department of Justice pursuant to Section
10 12092.

11 (b) No person licensed under Section 12071 shall
12 supply, sell, deliver, or give possession or control of a
13 pistol, revolver, or firearm capable of being concealed
14 upon the person to any person under the age of 21 years
15 or any other firearm to a person under the age of 18 years.

16 (c) No dealer, whether or not acting pursuant to
17 Section 12082, shall deliver a firearm to a person, as
18 follows:

19 ~~(1) Prior to April 1, 1997, within 15 days of the~~
20 ~~application to purchase a pistol, revolver, or other firearm~~
21 ~~capable of being concealed upon the person, or, after~~
22 ~~notice by the department pursuant to subdivision (d) of~~
23 ~~Section 12076, within 15 days of the submission to the~~
24 ~~department of any correction to the application, or within~~
25 ~~15 days of the submission to the department of any fee~~
26 ~~required pursuant to subdivision (e) of Section 12076,~~
27 ~~whichever is later. Prior to April 1, 1997, within 10 days of~~
28 ~~the application to purchase any firearm that is not a pistol,~~
29 ~~revolver, or other firearm capable of being concealed~~
30 ~~upon the person, or, after notice by the department~~
31 ~~pursuant to subdivision (d) of Section 12076, within 10~~
32 ~~days of the submission to the department of any~~
33 ~~correction to the application, or within 10 days of the~~
34 ~~submission to the department of any fee required~~
35 ~~pursuant to subdivision (e) of Section 12076, whichever~~
36 ~~is later. On or after April 1, 1997, within~~ Within 10 days
37 of the application to purchase, or, after notice by the
38 department pursuant to subdivision (d) of Section 12076,
39 within 10 days of the submission to the department of any
40 correction to the application, or within 10 days of the

1 submission to the department of any fee required
2 pursuant to subdivision (e) of Section 12076, whichever
3 is later.

4 (2) Unless unloaded and securely wrapped or
5 unloaded and in a locked container.

6 (3) Unless the purchaser, transferee, or person being
7 loaned the firearm presents clear evidence of his or her
8 identity and age, as defined in Section 12071, to the
9 dealer.

10 (4) Whenever the dealer is notified by the
11 Department of Justice that the person is in a prohibited
12 class described in Section 12021 or 12021.1 of this code or
13 Section 8100 or 8103 of the Welfare and Institutions Code.

14 (5) Commencing April 1, 1994, no pistol, revolver, or
15 other firearm capable of being concealed upon the
16 person shall be delivered unless the purchaser,
17 transferee, or person being loaned the firearm presents
18 to the dealer a basic firearms safety certificate.

19 (d) Where neither party to the transaction holds a
20 dealer's license issued pursuant to Section 12071, the
21 parties to the transaction shall complete the sale, loan, or
22 transfer of that firearm through either of the following:

23 (1) A licensed dealer pursuant to Section 12082.

24 (2) A law enforcement agency pursuant to Section
25 12084.

26 (e) No person may commit an act of collusion relating
27 to Article 8 (commencing with Section 12800) of Chapter
28 6. For purposes of this section and Section 12071, collusion
29 may be proven by any one of the following factors:

30 (1) Answering a test applicant's questions during an
31 objective test relating to basic firearms safety.

32 (2) Knowingly grading the examination falsely.

33 (3) Providing an advance copy of the test to an
34 applicant.

35 (4) Taking or allowing another person to take the basic
36 firearms safety course for one who is the applicant for the
37 basic firearms safety certificate.

38 (5) Allowing another to take the objective test for the
39 applicant, purchaser, or transferee.

1 (6) Allowing others to give unauthorized assistance
2 during the examination.

3 (7) Reference to materials during the examination
4 and cheating by the applicant.

5 (8) Providing originals or photocopies of the objective
6 test, or any version thereof, to any person other than as
7 specified in subdivision (f) of Section 12805.

8 (f) (1) No person who is licensed pursuant to Chapter
9 44 (commencing with Section 921) of Title 18 of the
10 United States Code shall deliver, sell, or transfer a firearm
11 to a person who is licensed pursuant to Chapter 44
12 (commencing with Section 921) of Title 18 of the United
13 States Code and whose licensed premises are located in
14 this state unless one of the following conditions is met:

15 (A) The person presents proof of licensure pursuant to
16 Section 12071 to that person.

17 (B) The person presents proof that he or she is exempt
18 from licensure under Section 12071 to that person, in
19 which case the person also shall present proof that the
20 transaction is also exempt from the provisions of
21 subdivision (d).

22 (2) (A) On or after January 1, 1998, within 60 days of
23 bringing a pistol, revolver, or other firearm capable of
24 being concealed upon the person into this state, a
25 personal handgun importer shall do one of the following:

26 (i) Forward by prepaid mail or deliver in person to the
27 Department of Justice, a report prescribed by the
28 department including information concerning that
29 individual and a description of the firearm in question.

30 (ii) Sell or transfer the firearm in accordance with the
31 provisions of subdivision (d) or in accordance with the
32 provisions of an exemption from subdivision (d).

33 (iii) Sell or transfer the firearm to a dealer licensed
34 pursuant to Section 12071.

35 (iv) Sell or transfer the firearm to a sheriff or police
36 department.

37 (B) If the personal handgun importer sells or transfers
38 the pistol, revolver, or other firearm capable of being
39 concealed upon the person pursuant to subdivision (d) of
40 Section 12072 and the sale or transfer cannot be

1 completed by the dealer to the purchaser or transferee,
2 and the firearm can be returned to the personal handgun
3 importer, the personal handgun importer shall have
4 complied with the provisions of this paragraph.

5 (C) The provisions of this paragraph are cumulative
6 and shall not be construed as restricting the application
7 of any other law. However, an act or omission punishable
8 in different ways by this section and different provisions
9 of the Penal Code shall not be punished under more than
10 one provision.

11 (D) (i) On and after January 1, 1998, the department
12 shall conduct a public education and notification program
13 regarding this paragraph to ensure a high degree of
14 publicity of the provisions of this paragraph.

15 (ii) As part of the public education and notification
16 program described in this subparagraph, the department
17 shall do all of the following:

18 (I) Work in conjunction with the Department of
19 Motor Vehicles to ensure that any person who is subject
20 to this paragraph is advised of the provisions of this
21 paragraph, and provided with blank copies of the report
22 described in clause (i) of subparagraph (A) at the time
23 that person applies for a California driver's license or
24 registers his or her motor vehicle in accordance with the
25 Vehicle Code.

26 (II) Make the reports referred to in clause (i) of
27 subparagraph (A) available to dealers licensed pursuant
28 to Section 12071.

29 (III) Make the reports referred to in clause (i) of
30 subparagraph (A) available to law enforcement agencies.

31 (IV) Make persons subject to the provisions of this
32 paragraph aware of the fact that reports referred to in
33 clause (i) of subparagraph (A) may be completed at
34 either the licensed premises of dealers licensed pursuant
35 to Section 12071 or at law enforcement agencies, that it
36 is advisable to do so for the sake of accuracy and
37 completeness of the reports, that prior to transporting a
38 pistol, revolver, or other firearm capable of being
39 concealed upon the person to a law enforcement agency
40 in order to comply with subparagraph (A), the person

1 should give prior notice to the law enforcement agency
2 that he or she is doing so, and that in any event, the pistol,
3 revolver, or other firearm capable of being concealed
4 upon the person should be transported unloaded and in
5 a locked container.

6 (iii) Any costs incurred by the department to
7 implement this paragraph shall be absorbed by the
8 department within its existing budget and the fees in the
9 Dealers' Record of Sale Special Account allocated for
10 implementation of this subparagraph pursuant to Section
11 12076.

12 (3) Where a person who is licensed as a collector
13 pursuant to Chapter 44 (commencing with Section 921)
14 of Title 18 of the United States Code and the regulations
15 issued pursuant thereto, whose licensed premises are
16 within this state, acquires a pistol, revolver, or other
17 firearm capable of being concealed upon the person that
18 is a curio or relic, as defined in Section 178.11 of Title 27
19 of the Code of Federal Regulations, outside of this state,
20 takes actual possession of that firearm outside of this state
21 pursuant to the provisions of subsection (j) of Section 923
22 of Title 18 of the United States Code, as amended by
23 Public Law 104-208, and transports that firearm into this
24 state, within five days of that licensed collector
25 transporting that firearm into this state, he or she shall
26 report to the department in a format prescribed by the
27 department his or her acquisition of that firearm.

28 (4) (A) It is the intent of the Legislature that a
29 violation of paragraph (2) or (3) shall not constitute a
30 "continuing offense" and the statute of limitations for
31 commencing a prosecution for a violation of paragraph
32 (2) or (3) commences on the date that the applicable
33 grace period specified in paragraph (2) or (3) expires.

34 (B) Paragraphs (2) and (3) shall not apply to a person
35 who reports his or her ownership of a pistol, revolver, or
36 other firearm capable of being concealed upon the
37 person after the applicable grace period specified in
38 paragraph (2) or (3) expires if evidence of that violation
39 arises only as the result of the person submitting the
40 report described in paragraph (2) or (3).

(g) (1) Except as provided in paragraph (2) or (3), a violation of this section is a misdemeanor.

(2) If any of the following circumstances apply, a violation of this section is punishable by imprisonment in the state prison for two, three, or four years.

(A) If the violation is of paragraph (1) of subdivision (a).

(B) If the defendant has a prior conviction of violating this section or former Section 12100 of this code or Section 8101 of the Welfare and Institutions Code.

(C) If the defendant has a prior conviction of violating any offense specified in subdivision (b) of Section 12021.1 or of a violation of Section 12020, 12220, or 12520, or of former Section 12560.

(D) If the defendant is in a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(E) A violation of this section by a person who actively participates in a “criminal street gang” as defined in Section 186.22.

(F) A violation of subdivision (b) involving the delivery of any firearm to a person who the dealer knows, or should know, is a minor.

(3) If any of the following circumstances apply, a violation of this section shall be punished by imprisonment in a county jail not exceeding one year or in the state prison, or by a fine not to exceed one thousand dollars (\$1,000), or by both the fine and imprisonment.

(A) A violation of paragraph (2), (4), or (5), of subdivision (a).

(B) A violation of paragraph (3) of subdivision (a) involving the sale, loan, or transfer of a pistol, revolver, or other firearm capable of being concealed upon the person to a minor.

~~(C) A violation of paragraph (4) of subdivision (a).~~

~~(D) A violation of paragraph (5) of subdivision (a).~~

~~(E)~~ A violation of subdivision (b) involving the delivery of a pistol, revolver, or other firearm capable of being concealed upon the person.

~~(F)~~

1 (D) A violation of paragraph (1), (3), (4), or (5) of
2 subdivision (c) involving a pistol, revolver, or other
3 firearm capable of being concealed upon the person.

4 ~~(G)~~

5 (E) A violation of subdivision (d) involving a pistol,
6 revolver, or other firearm capable of being concealed
7 upon the person.

8 ~~(H)~~

9 (F) A violation of subdivision (e).

10 (4) If both of the following circumstances apply, an
11 additional term of imprisonment in the state prison for
12 one, two, or three years shall be imposed in addition and
13 consecutive to the sentence prescribed:-

14 (A) A violation of paragraph (2) of subdivision (a) or
15 subdivision (b).

16 (B) The firearm transferred in violation of paragraph
17 (2) of subdivision (a) or subdivision (b) is used in the
18 subsequent commission of a felony for which a conviction
19 is obtained and the prescribed sentence is imposed.

20 SEC. 8. Section 12077 of the Penal Code is amended
21 to read:

22 12077. (a) The Department of Justice shall prescribe
23 the form of the register and the record of electronic or
24 telephonic transfer pursuant to Section 12074.

25 (b) For pistols, revolvers, and other firearms capable
26 of being concealed upon the person, information
27 contained in the register or record of electronic or
28 telephonic transfer shall be the date and time of sale,
29 make of firearm, peace officer exemption status pursuant
30 to subdivision (a) of Section 12078 and the agency name,
31 dealer waiting period exemption pursuant to subdivision
32 (n) of Section 12078, dangerous weapons permitholder
33 waiting period exemption pursuant to subdivision (r) of
34 Section 12078, curio and relic waiting period exemption
35 pursuant to subdivision (t) of Section 12078, California
36 Firearms Dealer number issued pursuant to Section
37 12071, purchaser's basic firearms safety certificate
38 number issued pursuant to Sections 12805 and 12809,
39 manufacturer's name if stamped on the firearm, model
40 name or number, if stamped on the firearm, if applicable,

1 serial number, other number (if more than one serial
2 number is stamped on the firearm), any identification
3 number or mark assigned to the firearm pursuant to
4 Section 12092, caliber, type of firearm, if the firearm is
5 new or used, barrel length, color of the firearm, full name
6 of purchaser, purchaser's complete date of birth,
7 purchaser's local address, if current address is temporary,
8 complete permanent address of purchaser, identification
9 of purchaser, purchaser's place of birth (state or
10 country), purchaser's complete telephone number,
11 purchaser's occupation, purchaser's sex, purchaser's
12 physical description, all legal names and aliases ever used
13 by the purchaser, yes or no answer to questions that
14 prohibit purchase including, but not limited to,
15 conviction of a felony as described in Section 12021 or an
16 offense described in Section 12021.1, the purchaser's
17 status as a person described in Section 8100 of the Welfare
18 and Institutions Code, whether the purchaser is a person
19 who has been adjudicated by a court to be a danger to
20 others or found not guilty by reason of insanity, whether
21 the purchaser is a person who has been found
22 incompetent to stand trial or placed under
23 conservatorship by a court pursuant to Section 8103 of the
24 Welfare and Institutions Code, signature of purchaser,
25 signature of salesperson (as a witness to the purchaser's
26 signature), name and complete address of the dealer or
27 firm selling the firearm as shown on the dealer's license,
28 the establishment number, if assigned, the dealer's
29 complete business telephone number, any information
30 required by Section 12082, and a statement of the
31 penalties for any person signing a fictitious name or
32 address or for knowingly furnishing any incorrect
33 information or for knowingly omitting any information
34 required to be provided for the register.

35 (c) For firearms other than pistols, revolvers, or other
36 firearms capable of being concealed upon the person,
37 information contained in the register or record of
38 electronic or telephonic transfer shall be the date and
39 time of sale, peace officer exemption status pursuant to
40 subdivision (a) of Section 12078 and the agency name,

1 auction or event waiting period exemption pursuant to
2 subdivision (g) of Section 12078, California Firearms
3 Dealer number issued pursuant to Section 12071,
4 dangerous weapons permitholder waiting period
5 exemption pursuant to subdivision (r) of Section 12078,
6 curio and relic waiting period exemption pursuant to
7 paragraph (1) of subdivision (t) of Section 12078, full
8 name of purchaser, purchaser's complete date of birth,
9 purchaser's local address, if current address is temporary,
10 complete permanent address of purchaser, identification
11 of purchaser, purchaser's place of birth (state or
12 country), purchaser's complete telephone number,
13 purchaser's occupation, purchaser's sex, purchaser's
14 physical description, all legal names and aliases ever used
15 by the purchaser, yes or no answer to questions that
16 prohibit purchase, including, but not limited to,
17 conviction of a felony as described in Section 12021 or an
18 offense described in Section 12021.1, the purchaser's
19 status as a person described in Section 8100 of the Welfare
20 and Institutions Code, whether the purchaser is a person
21 who has been adjudicated by a court to be a danger to
22 others or found not guilty by reason of insanity, whether
23 the purchaser is a person who has been found
24 incompetent to stand trial or placed under
25 conservatorship by a court pursuant to Section 8103 of the
26 Welfare and Institutions Code, signature of purchaser,
27 signature of salesperson (as a witness to the purchaser's
28 signature), name and complete address of the dealer or
29 firm selling the firearm as shown on the dealer's license,
30 the establishment number, if assigned, the dealer's
31 complete business telephone number, any information
32 required by Section 12082, and a statement of the
33 penalties for any person signing a fictitious name or
34 address or for knowingly furnishing any incorrect
35 information or for knowingly omitting any information
36 required to be provided for the register.

37 (d) Where the register is used, the following shall
38 apply:

39 (1) Dealers shall use ink to complete each document.

(2) The dealer or salesperson making a sale shall ensure that all information is provided legibly. The dealer and salespersons shall be informed that incomplete or illegible information will delay sales.

(3) Each dealer shall be provided instructions regarding the procedure for completion of the form and routing of the form. Dealers shall comply with these instructions which shall include the information set forth in this subdivision.

(4) One firearm transaction shall be reported on each record of sale document. For purposes of this subdivision, a “transaction” means a single sale, loan, or transfer of any number of firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person.

(e) The dealer or salesperson making a sale shall ensure that all required information has been obtained from the purchaser. The dealer and all salespersons shall be informed that incomplete information will delay sales.

(f) As used in this section, the following definitions shall control:

(1) “Purchaser” means the purchaser or transferee of a firearm or the person being loaned a firearm.

(2) “Purchase” means the purchase, loan, or transfer of a firearm.

(3) “Sale” means the sale, loan, or transfer of a firearm.

~~SEC. 10.—~~

SEC. 9. Section 12078 of the Penal Code is amended to read:

12078. (a) (1) The waiting periods described in Sections 12071, 12072, and 12084 shall not apply to deliveries, transfers, or sales of firearms made to persons properly identified as full-time paid peace officers as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, provided that the peace officers are authorized by their employer to carry firearms while in the performance of their duties. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the purchaser or transferee as a peace officer who is authorized to carry firearms while in

1 the performance of his or her duties, and authorizing the
2 purchase or transfer. The certification shall be delivered
3 to the dealer or local law enforcement agency acting
4 pursuant to Section 12084 at the time of purchase or
5 transfer and the purchaser or transferee shall identify
6 himself or herself as the person authorized in the
7 certification. The dealer or local law enforcement agency
8 shall keep the certification with the record of sale, or
9 LEFT, as the case may be. On the date that the delivery,
10 sale, or transfer is made, the dealer delivering the firearm
11 or the law enforcement agency processing the
12 transaction pursuant to Section 12084 shall forward by
13 prepaid mail to the Department of Justice a report of the
14 transaction pursuant to subdivision (b) or (c) of Section
15 12077 or Section 12084. If electronic or telephonic transfer
16 of applicant information is used, on the date that the
17 application to purchase is completed, the dealer
18 delivering the firearm shall transmit to the Department
19 of Justice an electronic or telephonic report of the
20 transaction as is indicated in subdivision (b) or (c) of
21 Section 12077.

22 (2) The preceding provisions of this article do not
23 apply to deliveries, transfers, or sales of firearms made to
24 authorized law enforcement representatives of cities,
25 counties, cities and counties, or state or federal
26 governments for exclusive use by those governmental
27 agencies if, prior to the delivery, transfer, or sale of these
28 firearms, written authorization from the head of the
29 agency authorizing the transaction is presented to the
30 person from whom the purchase, delivery, or transfer is
31 being made. Proper written authorization is defined as
32 verifiable written certification from the head of the
33 agency by which the purchaser or transferee is employed,
34 identifying the employee as an individual authorized to
35 conduct the transaction, and authorizing the transaction
36 for the exclusive use of the agency by which he or she is
37 employed. Within 10 days of the date a pistol, revolver, or
38 other firearm capable of being concealed upon the
39 person is acquired by the agency, a record of the same
40 shall be entered as an institutional weapon into the

1 Automated Firearms System (AFS) via the California
2 Law Enforcement Telecommunications System
3 (CLETS) by the law enforcement or state agency. Those
4 agencies without access to AFS shall arrange with the
5 sheriff of the county in which the agency is located to
6 input this information via this system.

7 (3) The preceding provisions of this article do not
8 apply to the loan of a firearm made by an authorized law
9 enforcement representative of a city, county, or city and
10 county, or the state or federal government to a peace
11 officer employed by that agency and authorized to carry
12 a firearm for the carrying and use of that firearm by that
13 peace officer in the course and scope of his or her duties.

14 (4) The preceding provisions of this article do not
15 apply to the delivery, sale, or transfer of a firearm by a law
16 enforcement agency to a peace officer pursuant to
17 Section 10334 of the Public Contract Code. Within 10 days
18 of the date that a pistol, revolver, or other firearm capable
19 of being concealed upon the person is sold, delivered, or
20 transferred pursuant to Section 10334 of the Public
21 Contract Code to that peace officer, the name of the
22 officer and the make, model, serial number, and other
23 identifying characteristics of the firearm being sold,
24 transferred, or delivered shall be entered into the
25 Automated Firearms System (AFS) via the California
26 Law Enforcement Telecommunications System
27 (CLETS) by the law enforcement or state agency that
28 sold, transferred, or delivered the firearm. Those
29 agencies without access to AFS shall arrange with the
30 sheriff of the county in which the agency is located to
31 input this information via this system.

32 (5) The preceding provisions of this article do not
33 apply to the delivery, sale, or transfer of a firearm by a law
34 enforcement agency to a retiring peace officer who is
35 authorized to carry a firearm pursuant to Section 12027.1.
36 Within 10 days of the date that a pistol, revolver, or other
37 firearm capable of being concealed upon the person is
38 sold, delivered, or transferred to that retiring peace
39 officer, the name of the officer and the make, model,
40 serial number, and other identifying characteristics of the



1 firearm being sold, transferred, or delivered shall be
2 entered into the Automated Firearms System (AFS) via
3 the California Law Enforcement Telecommunications
4 System (CLETS) by the law enforcement or state agency
5 that sold, transferred, or delivered the firearm. Those
6 agencies without access to AFS shall arrange with the
7 sheriff of the county in which the agency is located to
8 input this information via this system.

9 (6) Subdivision (d) of Section 12072 does not apply to
10 sales, deliveries, or transfers of firearms to authorized
11 representatives of cities, cities and counties, counties, or
12 state or federal governments for those governmental
13 agencies where the entity is acquiring the weapon as part
14 of an authorized, voluntary program where the entity is
15 buying or receiving weapons from private individuals.
16 Any weapons acquired pursuant to this subdivision shall
17 be disposed of pursuant to the applicable provisions of
18 Section 12028 or 12032.

19 (b) Section 12071 and subdivisions (c) and (d) of
20 Section 12072 shall not apply to deliveries, sales, or
21 transfers of firearms between or to importers and
22 manufacturers of firearms licensed to engage in that
23 business pursuant to Chapter 44 (commencing with
24 Section 921) of Title 18 of the United States Code and the
25 regulations issued pursuant thereto.

26 (c) (1) Subdivision (d) of Section 12072 shall not
27 apply to the infrequent transfer of a firearm that is not a
28 pistol, revolver, or other firearm capable of being
29 concealed upon the person by gift, bequest, intestate
30 succession, or other means by one individual to another
31 if both individuals are members of the same immediate
32 family.

33 (2) Subdivision (d) of Section 12072 shall not apply to
34 the infrequent transfer of a pistol, revolver, or other
35 firearm capable of being concealed upon the person by
36 gift, bequest, intestate succession, or other means by one
37 individual to another if both individuals are members of
38 the same immediate family and both of the following
39 conditions are met:

1 (A) The person to whom the firearm is transferred
2 shall, within 30 days of taking possession of the firearm,
3 forward by prepaid mail or deliver in person to the
4 Department of Justice, a report that includes information
5 concerning the individual taking possession of the
6 firearm, how title was obtained and from whom, and a
7 description of the firearm in question. The report forms
8 that individuals complete pursuant to this paragraph shall
9 be provided to them by the Department of Justice.

10 (B) Prior to taking possession of the firearm, the
11 person taking title to the firearm shall obtain a basic
12 firearm safety certificate.

13 (3) As used in this subdivision, “immediate family
14 member” means any one of the following relationships:

15 (A) Parent and child.

16 (B) Grandparent and grandchild.

17 (d) Subdivision (d) of Section 12072 shall not apply to
18 the infrequent loan of firearms between persons who are
19 personally known to each other for any lawful purpose, if
20 the loan does not exceed 30 days in duration.

21 (e) Section 12071 and subdivisions (c) and (d) of
22 Section 12072 shall not apply to the delivery of a firearm
23 to a gunsmith for service or repair.

24 (f) Subdivision (d) of Section 12072 shall not apply to
25 the sale, delivery, or transfer of firearms by persons who
26 reside in this state to persons who reside outside this state
27 who are licensed pursuant to Chapter 44 (commencing
28 with Section 921) of Title 18 of the United States Code and
29 the regulations issued pursuant thereto, if the sale,
30 delivery, or transfer is in accordance with Chapter 44
31 (commencing with Section 921) of Title 18 of the United
32 States Code and the regulations issued pursuant thereto.

33 (g) (1) Subdivision (d) of Section 12072 shall not
34 apply to the infrequent sale or transfer of a firearm, other
35 than a pistol, revolver, or other firearm capable of being
36 concealed upon the person, at auctions or similar events
37 conducted by nonprofit mutual or public benefit
38 corporations organized pursuant to the Corporations
39 Code.

1 As used in this paragraph, the term “infrequent” shall
2 not be construed to prohibit different local chapters of
3 the same nonprofit corporation from conducting auctions
4 or similar events, provided the individual local chapter
5 conducts the auctions or similar events infrequently. It is
6 the intent of the Legislature that different local chapters,
7 representing different localities, be entitled to invoke the
8 exemption created by this paragraph, notwithstanding
9 the frequency with which other chapters of the same
10 nonprofit corporation may conduct auctions or similar
11 events.

12 (2) Subdivision (d) of Section 12072 shall not apply to
13 the transfer of a firearm other than a pistol, revolver, or
14 other firearm capable of being concealed upon the
15 person, if the firearm is donated for an auction or similar
16 event described in paragraph (1) and the firearm is
17 delivered to the nonprofit corporation immediately
18 preceding, or contemporaneous with, the auction or
19 similar event.

20 (3) The waiting period described in Sections 12071 and
21 12072 shall not apply to a dealer who delivers a firearm
22 other than a pistol, revolver, or other firearm capable of
23 being concealed upon the person, at an auction or similar
24 event described in paragraph (1), as authorized by
25 subparagraph (C) of paragraph (1) of subdivision (b) of
26 Section 12071. Within two business days of completion of
27 the application to purchase, the dealer shall forward by
28 prepaid mail to the Department of Justice a report of the
29 same as is indicated in subdivision (c) of Section 12077. If
30 the electronic or telephonic transfer of applicant
31 information is used, within two business days of
32 completion of the application to purchase, the dealer
33 delivering the firearm shall transmit to the Department
34 of Justice an electronic or telephonic report of the same
35 as is indicated in subdivision (c) of Section 12077.

36 (h) Subdivision (d) of Section 12072 shall not apply to
37 the loan of a firearm for the purposes of shooting at targets
38 if the loan occurs on the premises of a target facility that
39 holds a business or regulatory license or on the premises
40 of any club or organization organized for the purposes of

1 practicing shooting at targets upon established ranges,
2 whether public or private, if the firearm is at all times
3 kept within the premises of the target range or on the
4 premises of the club or organization.

5 (i) (1) Subdivision (d) of Section 12072 shall not apply
6 to a person who takes title or possession of firearms by
7 operation of law if all the following conditions are met:

8 (A) The person is not prohibited by Section 12021 or
9 12021.1 of this code or Section 8100 or 8103 of the Welfare
10 and Institutions Code from possessing firearms.

11 (B) If the firearms are pistols, revolvers, or other
12 firearms capable of being concealed upon the person, and
13 the person is not a levying officer as defined in Section
14 481.140, 511.060, or 680.210 of the Code of Civil Procedure,
15 the person shall, within 30 days of taking possession,
16 forward by prepaid mail or deliver in person to the
17 Department of Justice, a report of the same and the type
18 of information concerning the individual taking
19 possession of the firearm, how title or possession was
20 obtained and from whom, and a description of the firearm
21 in question. The reports that individuals complete
22 pursuant to this paragraph shall be provided to them by
23 the Department of Justice.

24 (C) In the case of a transmutation of property
25 between spouses made in accordance with Section 850 of
26 the Family Code consisting of a pistol, revolver, or other
27 firearm capable of being concealed upon the person,
28 taking place on or after April 1, 1994, a basic firearms
29 safety certificate shall be required prior to taking
30 possession of the firearm.

31 (2) Subdivision (d) of Section 12072 shall not apply to
32 a person who takes possession of a firearm by operation
33 of law in a representative capacity who transfers
34 ownership of the firearm to himself or herself in his or her
35 individual capacity. In the case of a pistol, revolver, or
36 other firearm capable of being concealed upon the
37 person, on and after April 1, 1994, that individual shall
38 have a basic firearms safety certificate in order for the
39 exemption set forth in this paragraph to apply.



1 (j) Subdivision (d) of Section 12072 shall not apply to
2 deliveries, transfers, or returns of firearms made pursuant
3 to Section 12028, 12028.5, or 12030.

4 (k) Section 12071 and subdivision (c) of Section 12072
5 shall not apply to any of the following:

6 (1) The delivery, sale, or transfer of unloaded firearms
7 that are not pistols, revolvers, or other firearms capable
8 of being concealed upon the person by a dealer to another
9 dealer upon proof that the person receiving the firearm
10 is licensed pursuant to Section 12071.

11 (2) The delivery, sale, or transfer of unloaded firearms
12 by dealers to persons who reside outside this state who are
13 licensed pursuant to Chapter 44 (commencing with
14 Section 921) of Title 18 of the United States Code and the
15 regulations issued pursuant thereto.

16 (3) The delivery, sale, or transfer of unloaded firearms
17 to a wholesaler if the firearms are being returned to the
18 wholesaler and are intended as merchandise in the
19 wholesaler's business.

20 (4) The delivery, sale, or transfer of unloaded firearms
21 by one dealer to another dealer if the firearms are
22 intended as merchandise in the receiving dealer's
23 business upon proof that the person receiving the firearm
24 is licensed pursuant to Section 12071.

25 (5) The delivery, sale, or transfer of an unloaded
26 firearm that is not a pistol, revolver, or other firearm
27 capable of being concealed upon the person by a dealer
28 to himself or herself.

29 (6) The loan of an unloaded firearm by a dealer who
30 also operates a target facility that holds a business or
31 regulatory license on the premises of the building
32 designated in the license or whose building designated in
33 the license is on the premises of any club or organization
34 organized for the purposes of practicing shooting at
35 targets upon established ranges, whether public or
36 private, to a person at that target facility or that club or
37 organization, if the firearm is at all times kept within the
38 premises of the target range or on the premises of the club
39 or organization.

1 (l) A person who is exempt from subdivision (d) of
2 Section 12072 or is otherwise not required by law to report
3 his or her acquisition, ownership, or disposal of a pistol,
4 revolver, or other firearm capable of being concealed
5 upon the person or who moves out of this state with his
6 or her pistol, revolver, or other firearm capable of being
7 concealed upon the person may submit a report of the
8 same to the Department of Justice in a format prescribed
9 by the department.

10 (m) Subdivision (d) of Section 12072 shall not apply to
11 the delivery, sale, or transfer of unloaded firearms to a
12 wholesaler as merchandise in the wholesaler's business by
13 manufacturers or importers licensed to engage in that
14 business pursuant to Chapter 44 (commencing with
15 Section 921) of Title 18 of the United States Code and the
16 regulations issued pursuant thereto, or by another
17 wholesaler, if the delivery, sale, or transfer is made in
18 accordance with Chapter 44 (commencing with Section
19 921) of Title 18 of the United States Code.

20 (n) (1) The waiting period described in Section 12071
21 or 12072 shall not apply to the delivery, sale, or transfer
22 of a pistol, revolver, or other firearm capable of being
23 concealed upon the person by a dealer in either of the
24 following situations:

25 (A) The dealer is delivering the firearm to another
26 dealer and it is not intended as merchandise in the
27 receiving dealer's business.

28 (B) The dealer is delivering the firearm to himself or
29 herself and it is not intended as merchandise in his or her
30 business.

31 (2) In order for this subdivision to apply, both of the
32 following shall occur:

33 (A) If the dealer is receiving the firearm from another
34 dealer, the dealer receiving the firearm shall present
35 proof to the dealer delivering the firearm that he or she
36 is licensed pursuant to Section 12071.

37 (B) Whether the dealer is delivering, selling, or
38 transferring the firearm to himself or herself or to another
39 dealer, on the date that the application to purchase is
40 completed, the dealer delivering the firearm shall

1 forward by prepaid mail to the Department of Justice a
2 report of the same and the type of information
3 concerning the purchaser or transferee as is indicated in
4 subdivision (b) of Section 12077. Where the electronic or
5 telephonic transfer of applicant information is used, on
6 the date that the application to purchase is completed,
7 the dealer delivering the firearm shall transmit an
8 electronic or telephonic report of the same and the type
9 of information concerning the purchaser or transferee as
10 is indicated in subdivision (b) of Section 12077.

11 (o) Section 12071 and subdivisions (c) and (d) of
12 Section 12072 shall not apply to the delivery, sale, or
13 transfer of firearms regulated pursuant to Section 12020,
14 Chapter 2 (commencing with Section 12200), or Chapter
15 2.3 (commencing with Section 12275), if the delivery,
16 sale, or transfer is conducted in accordance with the
17 applicable provisions of Section 12020, Chapter 2
18 (commencing with Section 12200), or Chapter 2.3
19 (commencing with Section 12275).

20 (p) (1) Paragraph (3) of subdivision (a) and
21 subdivision (d) of Section 12072 shall not apply to the loan
22 of a firearm that is not a pistol, revolver, or other firearm
23 capable of being concealed upon the person to a minor,
24 with the express permission of the parent or legal
25 guardian of the minor, if the loan does not exceed 30 days
26 in duration and is for a lawful purpose.

27 (2) Paragraph (3) of subdivision (a) and subdivision
28 (d) of Section 12072 shall not apply to the loan of a pistol,
29 revolver, or other firearm capable of being concealed
30 upon the person to a minor by a person who is not the
31 parent or legal guardian of the minor if all of the following
32 circumstances exist:

33 (A) The minor has the written consent of his or her
34 parent or legal guardian that is presented at the time of,
35 or prior to the time of, the loan, or is accompanied by his
36 or her parent or legal guardian at the time the loan is
37 made.

38 (B) The minor is being loaned the firearm for the
39 purpose of engaging in a lawful, recreational sport,
40 including, but not limited to, competitive shooting, or

1 agricultural, ranching, or hunting activity, or a motion
2 picture, television, or video production, or entertainment
3 or theatrical event, the nature of which involves the use
4 of a firearm.

5 (C) The duration of the loan does not exceed the
6 amount of time that is reasonably necessary to engage in
7 the lawful, recreational sport, including, but not limited
8 to, competitive shooting, or agricultural, ranching, or
9 hunting activity, or a motion picture, television, or video
10 production, or entertainment or theatrical event, the
11 nature of which involves the use of a firearm.

12 (D) The duration of the loan does not, in any event,
13 exceed 10 days.

14 (3) Paragraph (3) of subdivision (a) and subdivision
15 (d) of Section 12072 shall not apply to the loan of a pistol,
16 revolver, or other firearm capable of being concealed
17 upon the person to a minor by his or her parent or legal
18 guardian if both of the following circumstances exist:

19 (A) The minor is being loaned the firearm for the
20 purposes of engaging in a lawful, recreational sport,
21 including, but not limited to, competitive shooting, or
22 agricultural, ranching, or hunting activity, or a motion
23 picture, television, or video production, or entertainment
24 or theatrical event, the nature of which involves the use
25 of a firearm.

26 (B) The duration of the loan does not exceed the
27 amount of time that is reasonably necessary to engage in
28 the lawful, recreational sport, including, but not limited
29 to, competitive shooting, or agricultural, ranching, or
30 hunting activity, or a motion picture, television, or video
31 production, or entertainment or theatrical event, the
32 nature of which involves the use of a firearm.

33 (4) Paragraph (3) of subdivision (a) of Section 12072
34 shall not apply to the transfer or loan of a firearm that is
35 not a pistol, revolver, or other firearm capable of being
36 concealed upon the person to a minor by his or her parent
37 or legal guardian.

38 (5) Paragraph (3) of subdivision (a) of Section 12072
39 shall not apply to the transfer or loan of a firearm that is
40 not a pistol, revolver, or other firearm capable of being

1 concealed upon the person to a minor by his or her
2 grandparent who is not the legal guardian of the minor
3 if the transfer is done with the express permission of the
4 parent or legal guardian of the minor.

5 (q) Subdivision (d) of Section 12072 shall not apply to
6 the loan of a firearm that is not a pistol, revolver, or other
7 firearm capable of being concealed upon the person to a
8 licensed hunter for use by that licensed hunter for a
9 period of time not to exceed the duration of the hunting
10 season for which that firearm is to be used.

11 (r) The waiting period described in Section 12071,
12 12072, or 12084 shall not apply to the delivery, sale, or
13 transfer of a firearm to the holder of a special weapons
14 permit issued by the Department of Justice issued
15 pursuant to Section 12095, 12230, 12250, or 12305. On the
16 date that the application to purchase is completed, the
17 dealer delivering the firearm or the law enforcement
18 agency processing the transaction pursuant to Section
19 12084, shall forward by prepaid mail to the Department
20 of Justice a report of the same as described in subdivision
21 (b) or (c) of Section 12077 or Section 12084. If the
22 electronic or telephonic transfer of applicant information
23 is used, on the date that the application to purchase is
24 completed, the dealer delivering the firearm shall
25 transmit to the Department of Justice an electronic or
26 telephonic report of the same as is indicated in
27 subdivision (b) or (c) of Section 12077.

28 (s) Subdivision (d) of Section 12072 shall not apply to
29 the loan of an unloaded firearm or the loan of a firearm
30 loaded with blank cartridges for use solely as a prop for
31 a motion picture, television, or video production or an
32 entertainment or theatrical event.

33 (t) (1) The waiting period described in Sections
34 12071, 12072, and 12084 shall not apply to the sale,
35 delivery, loan, or transfer of a firearm that is a curio or
36 relic, as defined in Section 178.11 of Title 27 of the Code
37 of Federal Regulations, by a dealer or through a law
38 enforcement agency to a person who is licensed as a
39 collector pursuant to Chapter 44 (commencing with
40 Section 921) of Title 18 of the United States Code and the

1 regulations issued pursuant thereto who has a current
2 certificate of eligibility issued to him or her by the
3 Department of Justice pursuant to Section 12071. On the
4 date that the delivery, sale, or transfer is made, the dealer
5 delivering the firearm or the law enforcement agency
6 processing the transaction pursuant to Section 12084, shall
7 forward by prepaid mail to the Department of Justice a
8 report of the transaction pursuant to subdivision (b) or
9 (c) of Section 12077 or Section 12084. If the electronic or
10 telephonic transfer of applicant information is used, on
11 the date that the application to purchase is completed,
12 the dealer delivering the firearm shall transmit to the
13 Department of Justice an electronic or telephonic report
14 of the transaction as is indicated in subdivision (b) or (c)
15 of Section 12077.

16 (2) Subdivision (d) of Section 12072 shall not apply to
17 the infrequent sale, loan, or transfer of a firearm that is
18 not a pistol, revolver, or other firearm capable of being
19 concealed upon the person, which is a curio or relic
20 manufactured at least 50 years prior to the current date,
21 but not including replicas thereof, as defined in Section
22 178.11 of Title 27 of the Code of Federal Regulations.

23 (u) As used in this section:

24 (1) “Infrequent” has the same meaning as in
25 paragraph (1) of subdivision (c) of Section 12070.

26 (2) “A person taking title or possession of firearms by
27 operation of law” includes, but is not limited to, any of the
28 following instances wherein an individual receives title
29 to, or possession of, firearms:

30 (A) The executor or administrator of an estate if the
31 estate includes firearms.

32 (B) A secured creditor or an agent or employee
33 thereof when the firearms are possessed as collateral for,
34 or as a result of, a default under a security agreement
35 under the Commercial Code.

36 (C) A levying officer, as defined in Section 481.140,
37 511.060, or 680.260 of the Code of Civil Procedure.

38 (D) A receiver performing his or her functions as a
39 receiver if the receivership estate includes firearms.

1 (E) A trustee in bankruptcy performing his or her
2 duties if the bankruptcy estate includes firearms.

3 (F) An assignee for the benefit of creditors performing
4 his or her functions as an assignee, if the assignment
5 includes firearms.

6 (G) A transmutation of property consisting of firearms
7 pursuant to Section 850 of the Family Code.

8 (H) Firearms passing to a surviving spouse pursuant to
9 Chapter 1 (commencing with Section 13500) of Part 2 of
10 Division 8 of the Probate Code.

11 (I) Firearms received by the family of a police officer
12 or deputy sheriff from a local agency pursuant to Section
13 50081 of the Government Code.

14 ~~SEC. 11. The Legislature appropriates \$_____ to~~
15 ~~the Department of Justice for the report required under~~
16 ~~Section 11108.7 of the Penal Code.~~

17 *SEC. 9.5. Section 12078 of the Penal Code is amended*
18 *to read:*

19 12078. (a) (1) The waiting periods described in
20 Sections 12071, 12072, and 12084 shall not apply to
21 deliveries, transfers, or sales of firearms made to persons
22 properly identified as full-time paid peace officers as
23 defined in Chapter 4.5 (commencing with Section 830) of
24 Title 3 of Part 2, provided that the peace officers are
25 authorized by their employer to carry firearms while in
26 the performance of their duties. Proper identification is
27 defined as verifiable written certification from the head
28 of the agency by which the purchaser or transferee is
29 employed, identifying the purchaser or transferee as a
30 peace officer who is authorized to carry firearms while in
31 the performance of his or her duties, and authorizing the
32 purchase or transfer. The certification shall be delivered
33 to the dealer or local law enforcement agency acting
34 pursuant to Section 12084 at the time of purchase or
35 transfer and the purchaser or transferee shall identify
36 himself or herself as the person authorized in the
37 certification. The dealer or local law—~~enforcement~~
38 *enforcement* agency shall keep the certification with the
39 record of sale, or LEFT, as the case may be. On the date
40 that the delivery, sale, or transfer is made, the dealer

1 delivering the firearm or the law enforcement agency
2 processing the transaction pursuant to Section 12084 shall
3 forward by prepaid mail to the Department of Justice a
4 report of the transaction pursuant to subdivision (b) or
5 (c) of Section 12077 or Section 12084. If electronic or
6 telephonic transfer of applicant information is used, on
7 the date that the application to purchase is completed,
8 the dealer delivering the firearm shall transmit to the
9 Department of Justice an electronic or telephonic report
10 of the transaction as is indicated in subdivision (b) or (c)
11 of Section 12077.

12 (2) The preceding provisions of this article do not
13 apply to deliveries, transfers, or sales of firearms made to
14 authorized law enforcement representatives of cities,
15 counties, cities and counties, or state or federal
16 governments for exclusive use by those governmental
17 agencies if, prior to the delivery, transfer, or sale of these
18 firearms, written authorization from the head of the
19 agency authorizing the transaction is presented to the
20 person from whom the purchase, delivery, or transfer is
21 being made. Proper written authorization is defined as
22 verifiable written certification from the head of the
23 agency by which the purchaser or transferee is employed,
24 identifying the employee as an individual authorized to
25 conduct the transaction, and authorizing the transaction
26 for the exclusive use of the agency by which he or she is
27 employed. Within 10 days of the date a pistol, revolver, or
28 other firearm capable of being concealed upon the
29 person is acquired by the agency, a record of the same
30 shall be entered as an institutional weapon into the
31 Automated Firearms System (AFS) via the California
32 Law Enforcement Telecommunications System
33 (CLETS) by the law enforcement or state agency. Those
34 agencies without access to AFS shall arrange with the
35 sheriff of the county in which the agency is located to
36 input this information via this system.

37 (3) The preceding provisions of this article do not
38 apply to the loan of a firearm made by an authorized law
39 enforcement representative of a city, county, or city and
40 county, or the state or federal government to a peace

1 officer employed by that agency and authorized to carry
2 a firearm for the carrying and use of that firearm by that
3 peace officer in the course and scope of his or her duties.

4 (4) The preceding provisions of this article do not
5 apply to the delivery, sale, or transfer of a firearm by a law
6 enforcement agency to a peace officer pursuant to
7 Section 10334 of the Public Contract Code. Within 10 days
8 of the date that a pistol, revolver, or other firearm capable
9 of being concealed upon the person is sold, delivered, or
10 transferred pursuant to Section 10334 of the Public
11 Contract Code to that peace officer, the name of the
12 officer and the make, model, serial number, and other
13 identifying characteristics of the firearm being sold,
14 transferred, or delivered shall be entered into the
15 Automated Firearms System (AFS) via the California
16 Law Enforcement Telecommunications System
17 (CLETS) by the law enforcement or state agency that
18 sold, transferred, or delivered the firearm. Those
19 agencies without access to AFS shall arrange with the
20 sheriff of the county in which the agency is located to
21 input this information via this system.

22 (5) The preceding provisions of this article do not
23 apply to the delivery, sale, or transfer of a firearm by a law
24 enforcement agency to a retiring peace officer who is
25 authorized to carry a firearm pursuant to Section 12027.1.
26 Within 10 days of the date that a pistol, revolver, or other
27 firearm capable of being concealed upon the person is
28 sold, delivered, or transferred to that retiring peace
29 officer, the name of the officer and the make, model,
30 serial number, and other identifying characteristics of the
31 firearm being sold, transferred, or delivered shall be
32 entered into the Automated Firearms System (AFS) via
33 the California Law Enforcement Telecommunications
34 System (CLETS) by the law enforcement or state agency
35 that sold, transferred, or delivered the firearm. Those
36 agencies without access to AFS shall arrange with the
37 sheriff of the county in which the agency is located to
38 input this information via this system.

39 (6) Subdivision (d) of Section 12072 does not apply to
40 sales, deliveries, or transfers of firearms to authorized

1 representatives of cities, cities and counties, counties, or
2 state or federal governments for those governmental
3 agencies where the entity is acquiring the weapon as part
4 of an authorized, voluntary program where the entity is
5 buying or receiving weapons from private individuals.
6 Any weapons acquired pursuant to this subdivision shall
7 be disposed of pursuant to the applicable provisions of
8 Section 12028 or 12032.

9 (b) Section 12071 and subdivisions (c) and (d) of
10 Section 12072 shall not apply to deliveries, sales, or
11 transfers of firearms between or to importers and
12 manufacturers of firearms licensed to engage in that
13 business pursuant to Chapter 44 (commencing with
14 Section 921) of Title 18 of the United States Code and the
15 regulations issued pursuant thereto.

16 (c) (1) Subdivision (d) of Section 12072 shall not
17 apply to the infrequent transfer of a firearm that is not a
18 pistol, revolver, or other firearm capable of being
19 concealed upon the person by gift, bequest, intestate
20 succession, or other means by one individual to another
21 if both individuals are members of the same immediate
22 family.

23 (2) Subdivision (d) of Section 12072 shall not apply to
24 the infrequent transfer of a pistol, revolver, or other
25 firearm capable of being concealed upon the person by
26 gift, bequest, intestate succession, or other means by one
27 individual to another if both individuals are members of
28 the same immediate family and both of the following
29 conditions are met:

30 (A) The person to whom the firearm is transferred
31 shall, within 30 days of taking possession of the firearm,
32 forward by prepaid mail or deliver in person to the
33 Department of Justice, a report that includes information
34 concerning the individual taking possession of the
35 firearm, how title was obtained and from whom, and a
36 description of the firearm in question. The report forms
37 that individuals complete pursuant to this paragraph shall
38 be provided to them by the Department of Justice.

1 (B) Prior to taking possession of the firearm, the
2 person taking title to the firearm shall obtain a basic
3 firearm safety certificate.

4 (3) As used in this subdivision, “immediate family
5 member” means any one of the following relationships:

6 (A) Parent and child.

7 (B) Grandparent and grandchild.

8 (d) Subdivision (d) of Section 12072 shall not apply to
9 the infrequent loan of firearms between persons who are
10 personally known to each other for any lawful purpose, if
11 the loan does not exceed 30 days in duration.

12 (e) Section 12071 and subdivisions (c) and (d) of
13 Section 12072 shall not apply to the delivery of a firearm
14 to a gunsmith for service or repair.

15 (f) Subdivision (d) of Section 12072 shall not apply to
16 the sale, delivery, or transfer of firearms by persons who
17 reside in this state to persons who reside outside this state
18 who are licensed pursuant to Chapter 44 (commencing
19 with Section 921) of Title 18 of the United States Code and
20 the regulations issued pursuant thereto, if the sale,
21 delivery, or transfer is in accordance with Chapter 44
22 (commencing with Section 921) of Title 18 of the United
23 States Code and the regulations issued pursuant thereto.

24 (g) (1) Subdivision (d) of Section 12072 shall not
25 apply to the infrequent sale or transfer of a firearm, other
26 than a pistol, revolver, or other firearm capable of being
27 concealed upon the person, at auctions or similar events
28 conducted by nonprofit mutual or public benefit
29 corporations organized pursuant to the Corporations
30 Code.

31 As used in this paragraph, the term “infrequent” shall
32 not be construed to prohibit different local chapters of
33 the same nonprofit corporation from conducting auctions
34 or similar events, provided the individual local chapter
35 conducts the auctions or similar events infrequently. It is
36 the intent of the Legislature that different local chapters,
37 representing different localities, be entitled to invoke the
38 exemption created by this paragraph, notwithstanding
39 the frequency with which other chapters of the same

1 nonprofit corporation may conduct auctions or similar
2 events.

3 (2) Subdivision (d) of Section 12072 shall not apply to
4 the transfer of a firearm other than a pistol, revolver, or
5 other firearm capable of being concealed upon the
6 person, if the firearm is donated for an auction or similar
7 event described in paragraph (1) and the firearm is
8 delivered to the nonprofit corporation immediately
9 preceding, or contemporaneous with, the auction or
10 similar event.

11 (3) The waiting period described in Sections 12071 and
12 12072 shall not apply to a dealer who delivers a firearm
13 other than a pistol, revolver, or other firearm capable of
14 being concealed upon the person, at an auction or similar
15 event described in paragraph (1), as authorized by
16 subparagraph (C) of paragraph (1) of subdivision (b) of
17 Section 12071. Within two business days of completion of
18 the application to purchase, the dealer shall forward by
19 prepaid mail to the Department of Justice a report of the
20 same as is indicated in subdivision (c) of Section 12077. If
21 the electronic or telephonic transfer of applicant
22 information is used, within two business days of
23 completion of the application to purchase, the dealer
24 delivering the firearm shall transmit to the Department
25 of Justice an electronic or telephonic report of the same
26 as is indicated in subdivision (c) of Section 12077.

27 (h) Subdivision (d) of Section 12072 shall not apply to
28 the loan of a firearm for the purposes of shooting at targets
29 if the loan occurs on the premises of a target facility that
30 holds a business or regulatory license or on the premises
31 of any club or organization organized for the purposes of
32 practicing shooting at targets upon established ranges,
33 whether public or private, if the firearm is at all times
34 kept within the premises of the target range or on the
35 premises of the club or organization.

36 (i) (1) Subdivision (d) of Section 12072 shall not apply
37 to a person who takes title or possession of ~~firearms~~ *a*
38 *firearm that is not a pistol, revolver, or other firearm*
39 *capable of being concealed upon the person* by operation
40 of law if ~~all the following conditions are met:~~

1 ~~(A) The person is not prohibited by Section 12021 or~~
2 ~~12021.1 of this code or Section 8100 or 8103 of the Welfare~~
3 ~~and Institutions Code from possessing firearms.~~

4 ~~(B) If the firearms are pistols, revolvers, or other~~
5 ~~firearms capable of being concealed upon the person, and~~
6 ~~the person is not~~

7 *(2) Subdivision (d) of Section 12072 shall not apply to*
8 *a person who takes title or possession of a pistol, revolver,*
9 *or other firearm capable of being concealed upon the*
10 *person by operation of law if the person is not prohibited*
11 *by Section 12021 or 12021.1 of this code or Section 8100 or*
12 *8103 of the Welfare and Institutions Code from possessing*
13 *firearms and all of the following conditions are met:*

14 *(A) If the person taking title or possession is neither a*
15 *levying officer as defined in Section 481.140, 511.060, or*
16 *680.210 of the Code of Civil Procedure, nor a person who*
17 *is receiving that firearm pursuant to subparagraph (G),*
18 *(I), or (J) of paragraph (2) of subdivision (u), the person*
19 *shall, within 30 days of taking possession, forward by*
20 *prepaid mail or deliver in person to the Department of*
21 *Justice, a report of the same and the type of information*
22 *concerning the individual taking possession of the*
23 *firearm, how title or possession was obtained and from*
24 *whom, and a description of the firearm in question. The*
25 *reports that individuals complete pursuant to this*
26 *paragraph shall be provided to them by the Department*
27 *of Justice department.*

28 ~~(C) In the case of a transmutation of property~~
29 ~~between spouses made in accordance with Section 850 of~~
30 ~~the Family Code consisting of a pistol, revolver, or other~~
31 ~~firearm capable of being concealed upon the person,~~
32 ~~taking place on or after April 1, 1994,~~

33 *(B) If the person taking title or possession is receiving*
34 *the firearm pursuant to subparagraph (G) of paragraph*
35 *(2) of subdivision (u), the person shall do both of the*
36 *following:*

37 *(i) Within 30 days of taking possession, forward by*
38 *prepaid mail or deliver in person to the department, a*
39 *report of information concerning the individual taking*
40 *possession of the firearm, how title or possession was*

1 obtained and from whom, and a description of the firearm
2 in question. The reports that individuals complete
3 pursuant to this paragraph shall be provided to them by
4 the department.

5 (ii) Prior to taking possession of the firearm, the
6 person shall either obtain a basic firearms safety
7 certificate ~~shall be required prior to taking possession of~~
8 ~~the firearm~~ or be exempt from obtaining a basic firearms
9 safety certificate pursuant to Section 12081.

10 ~~(2) Subdivision~~

11 (C) Where the person receiving title or possession of
12 the pistol, revolver, or other firearm capable of being
13 concealed upon the person is a person described in
14 subparagraph (I) of paragraph (2) of subdivision (u), on
15 the date that the person is delivered the firearm, the
16 name and other information concerning the person
17 taking possession of the firearm, how title or possession of
18 the firearm was obtained and from whom, and a
19 description of the firearm by make, model, serial number,
20 and other identifying characteristics, shall be entered
21 into the Automated Firearms System (AFS) via the
22 California Law Enforcement Telecommunications
23 System (CLETS) by the law enforcement or state agency
24 that transferred or delivered the firearm. Those agencies
25 without access to AFS shall arrange with the sheriff of the
26 county in which the agency is located to input this
27 information via this system.

28 (D) Where the person receiving title or possession of
29 the pistol, revolver, or other firearm capable of being
30 concealed upon the person is a person described in
31 subparagraph (J) of paragraph (2) of subdivision (u), on
32 the date that the person is delivered the firearm, the
33 name and other information concerning the person
34 taking possession of the firearm, how title or possession of
35 the firearm was obtained and from whom, and a
36 description of the firearm by make, model, serial number,
37 and other identifying characteristics, shall be entered
38 into the AFS via the CLETS by the law enforcement or
39 state agency that transferred or delivered the firearm.
40 Those agencies without access to AFS shall arrange with

1 *the sheriff of the county in which the agency is located to*
2 *input this information via this system. In addition, that*
3 *law enforcement agency shall not deliver that pistol,*
4 *revolver, or other firearm capable of being concealed*
5 *upon the person to the person referred to in this*
6 *subparagraph unless prior to the delivery of the same the*
7 *person presents proof to the agency that he or she is the*
8 *holder of a basic firearms safety certificate or is exempt*
9 *from obtaining a basic firearms safety certificate pursuant*
10 *to Section 12081.*

11 (3) Subdivision (d) of Section 12072 shall not apply to
12 a person who takes possession of a firearm by operation
13 of law in a representative capacity who *subsequently*
14 transfers ownership of the firearm to himself or herself in
15 his or her individual capacity. In the case of a pistol,
16 revolver, or other firearm capable of being concealed
17 upon the person, on and after April 1, 1994, that individual
18 shall have a basic firearms safety certificate in order for
19 the exemption set forth in this paragraph to apply.

20 (j) Subdivision (d) of Section 12072 shall not apply to
21 deliveries, transfers, or returns of firearms made pursuant
22 to Section 12028, 12028.5, or 12030.

23 (k) Section 12071 and subdivision (c) of Section 12072
24 shall not apply to any of the following:

25 (1) The delivery, sale, or transfer of unloaded firearms
26 that are not pistols, revolvers, or other firearms capable
27 of being concealed upon the person by a dealer to another
28 dealer upon proof that the person receiving the firearm
29 is licensed pursuant to Section 12071.

30 (2) The delivery, sale, or transfer of unloaded firearms
31 by dealers to persons who reside outside this state who are
32 licensed pursuant to Chapter 44 (commencing with
33 Section 921) of Title 18 of the United States Code and the
34 regulations issued pursuant thereto.

35 (3) The delivery, sale, or transfer of unloaded firearms
36 to a wholesaler if the firearms are being returned to the
37 wholesaler and are intended as merchandise in the
38 wholesaler's business.

39 (4) The delivery, sale, or transfer of unloaded firearms
40 by one dealer to another dealer if the firearms are

1 intended as merchandise in the receiving dealer's
2 business upon proof that the person receiving the firearm
3 is licensed pursuant to Section 12071.

4 (5) The delivery, sale, or transfer of an unloaded
5 firearm that is not a pistol, revolver, or other firearm
6 capable of being concealed upon the person by a dealer
7 to himself or herself.

8 (6) The loan of an unloaded firearm by a dealer who
9 also operates a target facility that holds a business or
10 regulatory license on the premises of the building
11 designated in the license or whose building designated in
12 the license is on the premises of any club or organization
13 organized for the purposes of practicing shooting at
14 targets upon established ranges, whether public or
15 private, to a person at that target facility or that club or
16 organization, if the firearm is at all times kept within the
17 premises of the target range or on the premises of the club
18 or organization.

19 (l) A person who is exempt from subdivision (d) of
20 Section 12072 or is otherwise not required by law to report
21 his or her acquisition, ownership, or disposal of a pistol,
22 revolver, or other firearm capable of being concealed
23 upon the person or who moves out of this state with his
24 or her pistol, revolver, or other firearm capable of being
25 concealed upon the person may submit a report of the
26 same to the Department of Justice in a format prescribed
27 by the department.

28 (m) Subdivision (d) of Section 12072 shall not apply to
29 the delivery, sale, or transfer of unloaded firearms to a
30 wholesaler as merchandise in the wholesaler's business by
31 manufacturers or importers licensed to engage in that
32 business pursuant to Chapter 44 (commencing with
33 Section 921) of Title 18 of the United States Code and the
34 regulations issued pursuant thereto, or by another
35 wholesaler, if the delivery, sale, or transfer is made in
36 accordance with Chapter 44 (commencing with Section
37 921) of Title 18 of the United States Code.

38 (n) (1) The waiting period described in Section 12071
39 or 12072 shall not apply to the delivery, sale, or transfer
40 of a pistol, revolver, or other firearm capable of being



1 concealed upon the person by a dealer in either of the
2 following situations:

3 (A) The dealer is delivering the firearm to another
4 dealer and it is not intended as merchandise in the
5 receiving dealer's business.

6 (B) The dealer is delivering the firearm to himself or
7 herself and it is not intended as merchandise in his or her
8 business.

9 (2) In order for this subdivision to apply, both of the
10 following shall occur:

11 (A) If the dealer is receiving the firearm from another
12 dealer, the dealer receiving the firearm shall present
13 proof to the dealer delivering the firearm that he or she
14 is licensed pursuant to Section 12071.

15 (B) Whether the dealer is delivering, selling, or
16 transferring the firearm to himself or herself or to another
17 dealer, on the date that the application to purchase is
18 completed, the dealer delivering the firearm shall
19 forward by prepaid mail to the Department of Justice a
20 report of the same and the type of information
21 concerning the purchaser or transferee as is indicated in
22 subdivision (b) of Section 12077. Where the electronic or
23 telephonic transfer of applicant information is used, on
24 the date that the application to purchase is completed,
25 the dealer delivering the firearm shall transmit an
26 electronic or telephonic report of the same and the type
27 of information concerning the purchaser or transferee as
28 is indicated in subdivision (b) of Section 12077.

29 (o) Section 12071 and subdivisions (c) and (d) of
30 Section 12072 shall not apply to the delivery, sale, or
31 transfer of firearms regulated pursuant to Section 12020,
32 Chapter 2 (commencing with Section 12200), or Chapter
33 2.3 (commencing with Section 12275), if the delivery,
34 sale, or transfer is conducted in accordance with the
35 applicable provisions of Section 12020, Chapter 2
36 (commencing with Section 12200), or Chapter 2.3
37 (commencing with Section 12275).

38 (p) (1) Paragraph (3) of subdivision (a) and
39 subdivision (d) of Section 12072 shall not apply to the loan
40 of a firearm that is not a pistol, revolver, or other firearm

1 capable of being concealed upon the person to a minor,
2 with the express permission of the parent or legal
3 guardian of the minor, if the loan does not exceed 30 days
4 in duration and is for a lawful purpose.

5 (2) Paragraph (3) of subdivision (a) and subdivision
6 (d) of Section 12072 shall not apply to the loan of a pistol,
7 revolver, or other firearm capable of being concealed
8 upon the person to a minor by a person who is not the
9 parent or legal guardian of the minor if all of the following
10 circumstances exist:

11 (A) The minor has the written consent of his or her
12 parent or legal guardian that is presented at the time of,
13 or prior to the time of, the loan, or is accompanied by his
14 or her parent or legal guardian at the time the loan is
15 made.

16 (B) The minor is being loaned the firearm for the
17 purpose of engaging in a lawful, recreational sport,
18 including, but not limited to, competitive shooting, or
19 agricultural, ranching, or hunting activity, or a motion
20 picture, television, or video production, or entertainment
21 or theatrical event, the nature of which involves the use
22 of a firearm.

23 (C) The duration of the loan does not exceed the
24 amount of time that is reasonably necessary to engage in
25 the lawful, recreational sport, including, but not limited
26 to, competitive shooting, or agricultural, ranching, or
27 hunting activity, or a motion picture, television, or video
28 production, or entertainment or theatrical event, the
29 nature of which involves the use of a firearm.

30 (D) The duration of the loan does not, in any event,
31 exceed 10 days.

32 (3) Paragraph (3) of subdivision (a) and subdivision
33 (d) of Section 12072 shall not apply to the loan of a pistol,
34 revolver, or other firearm capable of being concealed
35 upon the person to a minor by his or her parent or legal
36 guardian if both of the following circumstances exist:

37 (A) The minor is being loaned the firearm for the
38 purposes of engaging in a lawful, recreational sport,
39 including, but not limited to, competitive shooting, or
40 agricultural, ranching, or hunting activity, or a motion

1 picture, television, or video production, or entertainment
2 or theatrical event, the nature of which involves the use
3 of a firearm.

4 (B) The duration of the loan does not exceed the
5 amount of time that is reasonably necessary to engage in
6 the lawful, recreational sport, including, but not limited
7 to, competitive shooting, or agricultural, ranching, or
8 hunting activity, or a motion picture, television, or video
9 production, or entertainment or theatrical event, the
10 nature of which involves the use of a firearm.

11 (4) Paragraph (3) of subdivision (a) of Section 12072
12 shall not apply to the transfer or loan of a firearm that is
13 not a pistol, revolver, or other firearm capable of being
14 concealed upon the person to a minor by his or her parent
15 or legal guardian.

16 (5) Paragraph (3) of subdivision (a) of Section 12072
17 shall not apply to the transfer or loan of a firearm that is
18 not a pistol, revolver, or other firearm capable of being
19 concealed upon the person to a minor by his or her
20 grandparent who is not the legal guardian of the minor
21 if the transfer is done with the express permission of the
22 parent or legal guardian of the minor.

23 (q) Subdivision (d) of Section 12072 shall not apply to
24 the loan of a firearm that is not a pistol, revolver, or other
25 firearm capable of being concealed upon the person to a
26 licensed hunter for use by that licensed hunter for a
27 period of time not to exceed the duration of the hunting
28 season for which that firearm is to be used.

29 (r) The waiting period described in Section 12071,
30 12072, or 12084 shall not apply to the delivery, sale, or
31 transfer of a firearm to the holder of a special weapons
32 permit issued by the Department of Justice issued
33 pursuant to Section 12095, 12230, 12250, or 12305. On the
34 date that the application to purchase is completed, the
35 dealer delivering the firearm or the law enforcement
36 agency processing the transaction pursuant to Section
37 12084, shall forward by prepaid mail to the Department
38 of Justice a report of the same as described in subdivision
39 (b) or (c) of Section 12077 or Section 12084. If the
40 electronic or telephonic transfer of applicant information

1 is used, on the date that the application to purchase is
2 completed, the dealer delivering the firearm shall
3 transmit to the Department of Justice an electronic or
4 telephonic report of the same as is indicated in
5 subdivision (b) or (c) of Section 12077.

6 (s) Subdivision (d) of Section 12072 shall not apply to
7 the loan of an unloaded firearm or the loan of a firearm
8 loaded with blank cartridges for use solely as a prop for
9 a motion picture, television, or video production or an
10 entertainment or theatrical event.

11 (t) (1) The waiting period described in Sections
12 12071, 12072, and 12084 shall not apply to the sale,
13 delivery, loan, or transfer of a ~~pistol, revolver, or other~~
14 ~~firearm capable of being concealed upon the person,~~
15 ~~which firearm that~~ is a curio or relic, as defined in Section
16 178.11 of Title 27 of the Code of Federal Regulations, by
17 a dealer or through a law enforcement agency to a person
18 who is licensed as a collector pursuant to Chapter 44
19 (commencing with Section 921) of Title 18 of the United
20 States Code and the regulations issued pursuant thereto
21 who has a current certificate of eligibility issued to him or
22 her by the Department of Justice pursuant to Section
23 12071. On the date that the delivery, sale, or transfer is
24 made, the dealer delivering the firearm or the law
25 enforcement agency processing the transaction pursuant
26 to Section 12084, shall forward by prepaid mail to the
27 Department of Justice a report of the transaction
28 pursuant to subdivision (b) of Section 12077 or Section
29 12084. If the electronic or telephonic transfer of applicant
30 information is used, on the date that the application to
31 purchase is completed, the dealer delivering the firearm
32 shall transmit to the Department of Justice an electronic
33 or telephonic report of the transaction as is indicated in
34 subdivision (b) or (c) of Section 12077.

35 (2) *Subdivision (d) of Section 12072 shall not apply to*
36 *the infrequent sale, loan, or transfer of a firearm that is*
37 *not a pistol, revolver, or other firearm capable of being*
38 *concealed upon the person, which is a curio or relic*
39 *manufactured at least 50 years prior to the current date,*

1 *but not including replicas thereof, as defined in Section*
2 *178.11 of Title 27 of the Code of Federal Regulations.*

3 (u) As used in this section:

4 (1) “Infrequent” has the same meaning as in
5 paragraph (1) of subdivision (c) of Section 12070.

6 (2) “A person taking title or possession of firearms by
7 operation of law” includes, but is not limited to, any of the
8 following instances wherein an individual receives title
9 to, or possession of, firearms:

10 (A) The executor or administrator of an estate if the
11 estate includes firearms.

12 (B) A secured creditor or an agent or employee
13 thereof when the firearms are possessed as collateral for,
14 or as a result of, a default under a security agreement
15 under the Commercial Code.

16 (C) A levying officer, as defined in Section 481.140,
17 511.060, or 680.260 of the Code of Civil Procedure.

18 (D) A receiver performing his or her functions as a
19 receiver if the receivership estate includes firearms.

20 (E) A trustee in bankruptcy performing his or her
21 duties if the bankruptcy estate includes firearms.

22 (F) An assignee for the benefit of creditors performing
23 his or her functions as an assignee, if the assignment
24 includes firearms.

25 (G) A transmutation of property consisting of firearms
26 pursuant to Section 850 of the Family Code.

27 (H) Firearms passing to a surviving spouse pursuant to
28 Chapter 1 (commencing with Section 13500) of Part 2 of
29 Division 8 of the Probate Code.

30 (I) Firearms received by the family of a police officer
31 or deputy sheriff from a local agency pursuant to Section
32 50081 of the Government Code.

33 (J) *The transfer of a firearm by a law enforcement*
34 *agency to the person who found the firearm where the*
35 *delivery is to the person as the finder of the firearm*
36 *pursuant to Article 1 (commencing with Section 2080) of*
37 *Chapter 4 of Division 3 of the Civil Code.*

38 SEC. 10. *The sum of five hundred twenty-one*
39 *thousand dollars (\$521,000) is hereby appropriated from*
40 *the General Fund to the Department of Justice for costs*

1 associated with the requirements of Section 3 of this bill,
2 to be allocated as follows:

3 (a) One hundred seventy-four thousand dollars
4 (\$174,000) for the 1998–99 fiscal year.

5 (b) Three hundred forty-seven thousand dollars
6 (\$347,000) for the 1999–2000 fiscal year.

7 SEC. 11. Section 6.5 of this bill incorporates
8 amendments to Section 12070 of the Penal Code proposed
9 by both this bill and SB 63. It shall only become operative
10 if (1) both bills are enacted and become effective on or
11 before January 1, 1999, but this bill becomes operative
12 first, (2) each bill amends Section 12070 of the Penal Code
13 and (3) this bill is enacted after SB 63, in which case
14 Section 12070 of the Penal Code, as amended by Section
15 6 of this bill, shall remain operative only until the
16 operative date of SB 63, at which time Section 6.5 of this
17 bill shall become operative.

18 SEC. 12. Section 7.5 of this bill incorporates
19 amendments to Section 12072 of the Penal Code proposed
20 by both this bill and SB 63. It shall only become operative
21 if (1) both bills are enacted and become effective on or
22 before January 1, 1999, but this bill becomes operative
23 first, (2) each bill amends Section 12072 of the Penal
24 Code, and (3) this bill is enacted after SB 63, in which case
25 Section 12072 of the Penal Code, as amended by Section
26 7 of this bill, shall remain operative only until the
27 operative date of SB 63, at which time Section 7.5 of this
28 bill shall become operative.

29 SEC. 13. Section 9.5 of this bill incorporates
30 amendments to Section 12078 of the Penal Code proposed
31 by both this bill and SB 63. It shall only become operative
32 if (1) both bills are enacted and become effective on or
33 before January 1, 1999, but this bill becomes operative
34 first, (2) each bill amends Section 12078 of the Penal
35 Code, and (3) this bill is enacted after SB 63, in which case
36 Section 12078 of the Penal Code, as amended by Section
37 9 of this bill, shall remain operative only until the
38 operative date of SB 63, at which time Section 9.5 of this
39 bill shall become operative.

40 ~~SEC. 12.~~

1 *SEC. 14.* This act is an urgency statute necessary for
2 the immediate preservation of the public peace, health,
3 or safety within the meaning of Article IV of the
4 Constitution and shall go into immediate effect. The facts
5 constituting the necessity are:

6 In order to conform state firearm reporting
7 requirements with changes in federal law becoming
8 effective on November 30, 1998, it is necessary that this
9 bill take effect immediately.

10 ~~*SEC. 13.*~~

11 *SEC. 15.* This bill shall become operative on
12 November 30, 1998.

13 ~~*SEC. 14.*~~

14 *SEC. 16.* No reimbursement is required by this act
15 pursuant to Section 6 of Article XIII B of the California
16 Constitution because the only costs that may be incurred
17 by a local agency or school district will be incurred
18 because this act creates a new crime or infraction,
19 eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section
21 17556 of the Government Code, or changes the definition
22 of a crime within the meaning of Section 6 of Article
23 XIII B of the California Constitution.

24 Notwithstanding Section 17580 of the Government
25 Code, unless otherwise specified, the provisions of this act
26 shall become operative on the same date that the act
27 takes effect pursuant to the California Constitution.